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W.P.No.26773 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2024

CORAM

THE HONOURABLE MRS. JUSTICE N.MALA

W.P.No.26773 of 2022

M.Nallasamy

...Petitioner

Vs.

1. The Secretary
Tamil Nadu Kattumana Thozhilar Nala Variyam,
No.8, Valluvar Kottam High Road,
Nungambakkam, Chennai – 600034.

2. The Labour officer
(Social Security Scheme Department)
Erode to Chennimalai Road
Erode District – 638 009.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 2nd respondent to consider the petitioner's representation to grant the pension to the petitioner as per pension benefits scheme under the Kattumana Thozhilalar Nala Variyam based on the proceeding issued by the 1st respondent dated 04.11.2016 and also based on the representation of the petitioner dated 22.02.2022 within stipulated time.

For Petitioner : Mr.K.Premnath

For Respondents : Mr.B.Ajith Kumar



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ORDER

The Writ Petition is filed for a Writ of Mandamus directing the 2nd respondent to consider the petitioner's representation to grant pension under the Kattumana Thozhilalar Nala Variyam and also based on the proceedings of the first respondent dated 04.11.2016 and the representation of the petitioner dated 22.02.2022.

"What makes old age sad is not that our joys but our hopes cease".

-Jean Paul

2. The petitioner was a mechanic and also a member of the Tamil Nadu Kattumana Thozhilalar Nala Variyam from 26.07.2006. Petitioner's membership number is 07-MECH-10384 and he was also registered as a permanent member. The petitioner attained the age of 60 years on 26.07.2012 and he is entitled for old age pension under the scheme. The petitioner applied for pension on 26.07.2012, but the same was not granted by the respondent. The petitioner also requested the first respondent in person on 08.07.2013 and the second respondent replied stating that only with the approval of the first respondent, the application will be processed. It was only after several



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reminders, that on 04.11.2016, the first respondent sent letter to the second respondent to consider and pass orders on the petitioner's representation. In spite of the first respondent's letter, the petitioner's application was not considered. Therefore, the petitioner filed the above writ petition for the aforesaid relief.

3. When the matter was taken up for hearing, the learned counsel for the respondent submitted that the petitioner's application was processed and pension was sanctioned on 07.12.2022 effective from December 2022 at the rate of Rs.1000/- per month.

4. The learned counsel for the petitioner submits that the petitioner applied for pension as early on 26.07.2012 and the same was sanctioned only on 07.12.2022.

5. The learned counsel for the respondent in reply submits that the petitioner did not enclose the relevant supporting documents along with application though several reminders were sent to him to submit the same and hence, the application could not be processed. Only after the submission of the documents, the pension was sanctioned effective from December 2022.

6. It is not disputed by the respondents that the petitioner completed 60



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years of age on 26.07.2012 and applied for pension on 15.10.2012. It is the petitioner's case that, when the petitioner approached the respondents personally on several occasions and on 08.07.2013 when the petitioner approached the second respondent in person, the second respondent replied that the application would be processed, only after the approval of the first respondent. Thereafter for a period of three years, there was no response from the respondents and on 04.11.2016, in pursuance of the petitioner's petition to the Chief Minister's Grievance Cell and also representation dated 06.10.2016, the first respondent sent a communication to the second respondent to consider the petitioner's representation and inform the petitioner as well as the first respondent's office. Thereafter the petitioner claims that there was no action taken, but the respondents state that on 05.01.2017, a communication was sent to the petitioner to produce necessary documents. The respondents also referred to reminder letter dated 10.12.2019 calling for supporting documents from the petitioner.

7. It is pertinent to note that the respondents have not given the details as to the mode in which the said letters were sent and if the same were served on the petitioner. A mere statement in the counter without any supporting



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documents cannot be accepted by this Court. The petitioner states that during 2009, he repeatedly went to the second respondent's office and there after due to COVID lock down, he did not pursue the matter as he was afflicted with COVID. Only on 22.02.2022, the petitioner again reported to the respondents and thereafter also no action was taken by the respondents. It was only after the filing of the Writ petition that the respondent produced the sanction letter dated 07.12.2022. From the narration of the above facts, it is clear that the respondents had been lethargic in processing the application of the petitioner and the petitioner was made to run from pillar to post, for getting the pension.

8. In my view, the delay in sanctioning the pension is attributal only to the respondents and hence the respondents cannot be permitted to say that as the documents were received only on 06.12.2022, the petitioner would not be entitled to arrears of pension. The petitioner is a senior citizen aged about 70 years and therefore, I am of the view that the respondents should be directed to pay the arrears of pension at the rate of Rs.1000/- per month for 125 months, which works out to Rs.1,25,000/-.

9. In view of the above discussion, direction is issued to the first respondent to pay the arrears of pension of Rs.1,25,000/- to the petitioner



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within in a period of four weeks from the date of receipt of a copy of this order. It is very disheartening to note the insensitivity of the respondents to the plight of the petitioner, who is a senior citizen. The petitioner has had to wait for almost ten years to receive the paltry pension of Rs.1,000/-. Mere creation of the beneficial scheme without proper implementation is of no use. When the scheme is framed, it becomes the responsibility of the persons entrusted with its implementation to ensure that it reaches the beneficiaries in time. The respondents cannot just receive the application and put it in cold storage. The application has to be processed with promptitude and a genuine concern for the beneficiaries need for it. This Court hopes that the respondents would be more sensitive to the plight of the workers like the petitioner in future. It is true that Poverty is a curse but indifference to it is worst.

23.01.2024

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
Shl



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To

1. The Secretary

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2. The Labour officer

(Social Security Scheme Department)
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N.MALA,J.

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