



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.01.2025

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P(MD)No.28592 of 2023

and

W.M.P(MD)Nos.24638 and 24639 of 2023

Chinnakalai

... Petitioner

Vs

1.The Tahsildar(Social Welfare Scheme),
Aundipatti,
Theni District.

2.The Firka Inspector,
Etha Kovil Village,
Aundipatti,
Theni District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings of the first respondent in Seyalmurai Aanai No.TN9025R20231055391, dated 29.7.2023 and to quash the same as illegal and consequently to direct the respondents to disburse the old age pension with arrears and with interest within the period stipulated by this Court.

For Petitioner : Mr.M.Jerin Mathew

For RR 1 : Mr.M.Senthil Ayyanar
Govt Advocate



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ORDER

This Writ Petition has been filed challenging the impugned proceedings of the first respondent in Seyalmurai Aanai No.TN9025R20231055391, dated 29.7.2023 and to quash the same as illegal and consequently to direct the respondents to disburse the old age pension with arrears and with interest within the period stipulated by this Court.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.The petitioner is aged 83 years. He is below the poverty line in terms of the economic status and therefore, he applied for old age pension under Indira Gandhi National Old Age Pension Scheme. However, it was rejected by the first respondent by order, dated 19.01.2023 on the basis of the report submitted by the second respondent stating that his wife is getting old age pension and the Petitioner is looking after by his grand sons.

4.On a perusal of the report submitted by the second respondent that the Petitioner is having source of income and he is under the roof and care of his grand-sons and they are looking after



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him for the past several years. Further, the learned Government Advocate appearing for the first respondent submitted that in order to avail old age pension under Indira Gandhi National Old Age Pension Scheme, the Petitioner should be a destitute and other eligibility norms is that the person should be 60 years and above and belonging to below poverty line family. Though the Petitioner is not a destitute person, it does not mean that he is maintained by his grand sons. Admittedly, the Petitioner has no source of income and he is aged about 83 years. However, the second respondent is duty bound to conduct proper enquiry and afford due opportunity to the Petitioner in order to establish his financial position. Admittedly, the second respondent failed to conduct due enquiry and no opportunity was given to the Petitioner for the purpose of ascertaining as to whether the Petitioner is a destitute person or not. Further, the scheme does not envisage the relatives with whom the Petitioner is residing to establish that they are taking care of him. There could be instances that the claimant may be residing with his own relatives, but may not taken care and financially assisted the Petitioner. There could also be instances where the claimant may have children and they have neglected him. Therefore when there is no specific condition in the said scheme that the scheme cannot be extended to persons who is taken care of by the



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relatives, the respondents ought not to have stated reasons referring to the Petitioner's relatives are taking care of him. Even though the Petitioner may be taken care of by his grand children, he requires further financial help or other reasons including medical and incidental expenses. Therefore the application of the Petitioner ought not to have been rejected by the first respondent.

5. In view of the above, the order impugned herein is liable to be quashed and accordingly quashed. The first respondent is directed to grant old age pension to the Petitioner under Indira Gandhi National Old Age Pension Scheme from January 2025 onwards.

6. With the above direction, the Writ Petition stands allowed. No costs. Consequently, connected Miscellaneous Petitions are closed.

03.01.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
vsn

To

1. The Tahsildar (Social Welfare Scheme),
Aundipatti,



Theni District.

2. The Firka Inspector,
Etha Kovil Village,
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G.K.ILANTHIRAIYAN, J.

vsn

Order made in
W.P(MD)No.28592 of 2023
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24639 of 2023

03.01.2025