

(2010) 04 MAD CK 0077
In the Madras High Court
Case No : Writ Petition No. 2291 of 2004

Arumugam

APPELLANT

Vs

State of Tamilnadu

RESPONDENT

Date of Decision : 21-04-2010

Acts Referred:

Citation : (2010) 04 MAD CK 0077

Hon'ble Judges : T. Raja, J

Bench : Single Bench

Advocate : G. Muthukrishnan, for the Appellant; D. Geetha, AGP for R1 to R3,
for the Respondent

Final Decision : Allowed

Judgement

T. Raja, J.—The present writ petition has been filed by M. Armugam, seeking issuance of writ of certiorarified mandamus by calling for the

records from the second respondent herein vide proceedings Na.Ka. No. Tamil.2/3916/02 dated 23.09.2003, quash the same and consequently

direct the respondents to pay the monthly pension at the rate of Rs. 3,000/- per month along with the medical allowances at the rate of Rs. 15/-

per month and free bus pass to the petitioner.

2. The petitioner being a member of the socialist party took part in Civil Disobedient Movement for making the respective regional language of the

respective States as the official language of the respective States. In this connection, the Social Party conducted civil disobedient Movement in the

month of August. 1957 and again in the month of June, 1960, by placing 18 demands for which the Civil Disobedience was observed by the

Socialist Party. Demands were made to make Tamil as the official language of

Tamilnadu and to use Tamil as the language of the Court and also make Tamil as the medium of instructions in the schools and colleges and change the name of Madras State as Tamil Nadu and use of Tamil at all levels and also to name Fort St, George at Madras as Kattabomman Fort. When the Civil Disobedient Movement was conducted on various dates in various Districts in Tamilnadu, including Salem and Coimbatore, a lot of peaceful agitators, including the petitioner, participated in the Civil Disobedient Movement held on 09.06.1960, and unfortunately, the petitioner was imprisoned from 10.06.1960 to 09.07.1960. Subsequently, in view of the economic backwardness of the petitioners family, the petitioner was constrained to apply for pension and, accordingly, he applied for the same on 25.10.1999. In pursuant to the representation made by the petitioner, a report was received from the District Collector, Erode in his letter No. 42546/2005/K4 dated 19.07.2005, wherein it was stated that the documents of one A.M. Arumugam, who was also getting pension, has been verified, because he was also imprisoned from 09.09.1957 to 08.10.1957, and a jail certificate was issued to him on 09.11.1994, and on that basis, he was getting pension based on the order of the Accountant-General in P.P.O. No. 9078/SSPL from 01.07.1998, and on the basis of G.O.(Ms) No. 277, Tamil Development, Culture and Religious Endowment Department, dated 06.06.1998.

3. The learned Counsel appearing for the petitioner submits that since the name of the petitioner as well as the name of the petitioner's father, and also the name of the village where the petitioner and the said M. Arumugam hailed from, were same, the petitioner herein was wrongly denied the pensionary benefits.

4. But the case of the petitioner is that when M. Arumugam, an identical person as that of the petitioner was granted 3,000/- per month as monthly pension, the respondent, without any rhyme or reason, has decided to sanction a lump sum of Rs. 10,000/- to the petitioner as one time pension.

Though the petitioner accepted the grant of lump sum amount of Rs. 10,000/- as one time pension, the present writ petition has been filed for considering the grant of monthly pension on par with that of M. Arumugam.

5. The learned Counsel appearing for the petitioner submits that the respondent having accepted the fact that the petitioner was imprisoned from

10.06.1960 to 09.07.1960 and a jail certificate was also issued to that effect on 26.07.1999, while considering the request of the petitioner for

payment of pension, the respondents having paid Rs. 3,000/- as monthly pension to M. Arumugam, who also underwent the term of imprisonment

from 09.09.1957 to 08.10.1957 i.e., also for a period of one month, should not discriminate the petitioner from M. Arumugm and further prayed

for issuance of a direction to the respondents to consider the case of the petitioner on par with the case of M. Arumugum.

6. The learned Additional Government Pleader appearing for the respondent contended that, it is an accepted fact that the petitioner took part in

the Civil Disobedient Movement held on 09.06.1960, and underwent the term of imprisonment from 10.06.1960 to 09.07.1960, and jail

certificate therefore was also issued to the petitioner on 26.07.1999. However, the High Level committee in its meeting held on 05.12.2002

passed a resolution to grant Rs. 10,000/- as one time lump sum grant to the persons who applied for pension on the basis of the Collector's

recommendation and the said pension amount was also accepted by the petitioner, therefore the present writ is not maintainable.

7. Heard the parties on either side.

8. The case of the petitioner is that when two persons having the same name, viz: M. Arumugam S/o. Mariappa Gounder hailing from the same

village had undergone one month imprisonment, in Central Prison, Coimbatore. While so, only one person was granted the benefit of monthly

pension, on the basis of G.O.(Ms) No. 277, Tamil Development, Culture and Religious Endowment Department, dated 06.06.1998, and started

getting pension from 01.07.1998.

9. Even para 7, of the counter affidavit filed by the respondent also admits the fact that the petitioner Mr. M. Arumugam was imprisoned from

10.06.1960 to 09.07.1960 and a jail certificate has been issued to the petitioner accepting his imprisonment for having shown courage and

enthusiasm for Tamil language and on that basis as a mark of honour the Government also have sanctioned a lump sum pension in G.O.Ms. No.

188 Tamil Development, Culture & Religious Endowment Department dated 13.08.1998, quantifying Rs. 10,000/-. Having accepted the fact that

the writ petitioner had undergone imprisonment in central prison at Coimbatore

for development of Tamil language in the year 1960, the

respondent cannot discriminate in payment of uniform amount of pension to the petitioner alone.

10. Taking into consideration the facts and circumstances of the case, I am of the considered opinion that the petitioner cannot be discriminated

with the case of M. Arumugum. Accordingly, the petitioner is directed to submit a fresh application, along with the copy of the order, to the third

respondent within a week's time from the date of receipt of copy of this order and the third respondent is directed to consider the case of the

petitioner for payment of monthly pension and pass orders on the basis of G.O. (Ms) No. 277, Tamil Development, Culture and Religious

Endowment Department, dated 06.06.1998, within a period of three months from the date of receipt of the application. It is needless to mention

for adjusting his receipt of Rs. 10,000/- as lump sum grant while deciding the payment of monthly pension.

With the above directions the writ petition is allowed.