

(2006) 12 MAD CK 0227

In the Madras High Court

Case No : Writ Petition No. 10325 Of 2005

K. Pavanasa Thevar

APPELLANT

Vs

The Government of Tamil Nadu

RESPONDENT

Date of Decision : 01-12-2006

Acts Referred:

Tamil Nadu Payment of Pensions to Tamil Scholars and Miscellaneous Provisions Act, 1983 — Section 3, 8

Citation : (2007) WritLR 62

Hon'ble Judges : M. Jaichandren, J

Bench : Single Bench

Advocate : B.S. Balasubramaniam, for the Appellant; C. Thirumaran, for the Respondent

Judgement

M. Jaichandren, J.—The writ petition has been filed for the issuance of a writ of certiorarified mandamus to call for the records pertaining to the proceedings of the first respondent in G.O.Ms. No. 231, Tamil Development and Culture Department, dated 17.11.2003, quash the same as illegal, arbitrary and discriminatory and to direct the respondents to sanction the monthly pension as prescribed for the Tamil Mozhi-por Thiagis under the Tamil Nadu Payment of Pensions to Tamil Scholars and Miscellaneous Provisions Act, 1983 (Tamil Nadu Act XXIII of 1983) with retrospective effect from 1984 onwards, along with all prescribed benefits and facilities as provided under the said Act.

The brief facts of the case, as stated by the petitioner, are as follows:

2. The petitioner had been imprisoned in the Shencottah Sub-Jail for a period of five weeks from 14.8.1954 in the struggle for the transfer of Tamil border region to Tamil Nadu. Therefore, the petitioner is entitled to get the Tamil Mozhi-por Thiagis" pension. He had applied for the pension, on 23.8.1997, to the Government of Tamil Nadu, with all the relevant documents for the sanction of the pension. All the papers had been forwarded to the second respondent. The second respondent by his proceedings in ROC. No. E-4/8721/99, dated

12.8.2000, had negated the petitioner's claim on the ground that he was not selected by the High Power Committee for the sanction of the pension. The petitioner had filed a writ petition before this Court in W.P. No. 26138 of 2001, challenging the proceedings of the second respondent, dated 12.8.2000. By an order, dated 14.3.2002, this Court had set aside the impugned order, dated 12.8.2000 and directed the second respondent to consider the request of the petitioner, after giving an opportunity to him. Thereafter, the second respondent had made enquiries and based on the enquiries, he had sent a proposal recommending the petitioner's case for sanction of the pension. By a Government Order in G.O.Ms. No. 231, Tamil Development and Culture Department, dated 17.11.2003, the first respondent had passed an order sanctioning a lumpsum payment of Rs. 10,000/- purported to be passed under the provisions of Sections 3 and 8 of the Tamil Nadu Payment of Pensions to Tamil Scholars and the Miscellaneous Provisions Act, 1983. The petitioner had submitted a review application, dated 4.2.2004, to the second respondent for passing an order sanctioning monthly pension as provided under the Act. Even though the said review application had been received by the respondents 1 and 2, no orders had been passed so far. Therefore, the petitioner had filed the present writ petition challenging the order of the first respondent passed in G.O.Ms. No. 231, Tamil Development and Culture Department, dated 17.11.2003.

3. Heard the learned Counsel appearing on behalf of the petitioner as well for the respondents.

4. At the stage of hearing of the matter, it has been submitted by the counsels appearing on either side that an order has been passed by this Court in a batch of writ petitions (W.P. No. 511 of 2003 etc., batch), on 21.4.2006, and it has been prayed that a similar order could be passed by this Court as well.

5. Therefore, on such submission being made, the order passed by the first respondent in G.O.Ms. No. 231, Tamil Development and Culture Department, dated 17.11.2003, is quashed and consequently, the respondents are directed to consider the review application filed by the petitioner and pass appropriate orders regarding the payment of monthly pension of the petitioner. This may be done keeping in view the prayer of the petitioner and also the financial status. In the event of the respondents deciding to give monthly pension to the petitioner, a sum of Rs. 10,000/- already granted to the petitioner, as a consolidated amount, could be adjusted towards the monthly pension decided to be paid. The first respondent is further directed to complete the process and pass appropriate orders within a period of six weeks from the date of receipt of a copy of this order.

6. With the above directions, the writ petition is disposed of. No costs. Consequently, connected W.P.M.P. No. 11222 of 2005 is closed.