

THE HON'BLE SRI JUSTICE CHEEKATI MANAVENDRANATH ROY

WRIT PETITION No.4430 of 2023

ORDER:-

This Writ Petition for a mandamus is filed to declare the action of respondent No.3 in cancelling the old age pension as per the impugned proceedings, dated 21.12.2022, as illegal and consequently sought direction to respondent No.3 to continue to pay the old age pension to the petitioner.

As per the case pleaded by the petitioner, he is an old man aged about 80 years and he is suffering from various ailments and as such he is unable to eke out his livelihood. Therefore, as per the scheme and policy of the Government that old age pension was granted to him and the same is being paid to him till now. While so, the impugned notice, dated 21.12.2022, was issued to him calling for his explanation within 15 days as to why the old age pension should not be cancelled on the ground that he owns a house in an extent of 1000 Sq. Ft. which is a disqualification for grant of old age pension, as per G.O.Ms.No.174, Panchayat Raj and Rural Development Department, dated 13.12.2019.

Now, the grievance of the writ petitioner is that he does not own any such house in 1000 Sq. Ft and that he has

submitted his explanation to the show cause notice and without considering the said explanation and without passing any final order to that effect that the respondents have stopped paying the old age pension to him.

Heard learned counsel for the petitioner, learned Assistant Government Pleader for Municipal Administration & Urban Development appearing for respondent No.1, learned Assistant Government Pleader for Revenue appearing for respondent No.2 and Sri N. Ranga Reddy, learned Standing Counsel for respondent No.3.

Learned Standing Counsel for respondent No.3 would submit that as per the show cause notice, dated 21.12.2022, he was directed to submit his explanation within 15 days from the date of receipt of the said notice and he did not submit his explanation within the time stipulated and that he has submitted a belated explanation, dated 09.01.2023. Therefore, he would submit as he did not submit his explanation within time that probably the respondents have stopped paying the old age pension to him.

As the petitioner now denies that he owns a house in 1000 Sq. Ft. which according to the respondents is a disqualification for grant of old age pension and as he asserts

that he is entitled for old age pension and an explanation to that effect is already submitted, this Court is of the considered view that a direction is required to be given to the respondent No.3 to consider his explanation and pass final order to that effect.

Therefore, the Writ Petition is disposed of with a direction to respondent No.3 to consider the explanation, dated 09.01.2023, submitted by the petitioner and then pass appropriate final order on it according to law. Till the said final order is passed, respondent No.3 is directed to pay old age pension to the petitioner, as no order of cancellation of the said old age pension sanctioned to the petitioner, is yet passed. The said explanation shall be considered and final order is to be passed within four weeks from the date of receipt of this order. No costs.

Miscellaneous petitions, if any pending, in the Writ Petition, shall stand closed.

JUSTICE CHEEKATI MANAVENDRANATH ROY

Date: 23.02.2023
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