

**IN THE HIGH COURT OF KERALA AT ERNAKULAM  
PRESENT  
THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN**

Thursday, the 21<sup>st</sup> day of December 2023 / 30th Agrahayana, 1945  
WP(C) NO. 42861 OF 2023(G)

**PETITIONER:**

MARIYAKUTTY, AGED 78 YEARS,

**RESPONDENTS:**

1. UNION OF INDIA, REPRESENTED BY ITS SECRETARY, MINISTRY OF RURAL DEVELOPMENT, INDIA KRISHI BHAVAN, DR. RAJENDRA PRASAD ROAD, NEW DELHI , PIN - 110001
2. STATE OF KERALA REPRESENTED BY ITS SECRETARY, LOCAL SELF GOVERNMENT DEPARTMENT, ROOM NO. 404A, 4TH FLOOR, ANNEX I, SECRETARIAT, THRIUVANANTHAPURAM, PIN - 695001
3. THE DIRECTOR, SOCIAL JUSTICE DEPARTMENT 5TH FLOOR, VIKAS BHAVAN, PMG, TRIVANDRUM, KERALA PIN - 695033
4. DIRECTOR OF PANCHAYATH, SWARAJ BHAVAN, GROUND FLOOR, NANTHANKODU, KOWDIAR .P.O THIRUVANANTHAPURAM, PIN - 695003
5. THE SECRETARY, FINANCE DEPARTMENT, GOVERNMENT SECRETARIAT, THRIUVANANTHAPURAM, PIN - 695001
6. THE COMMISSIONER, OFFICE OF THE COMMISSIONER OF STATE TAX DEPARTMENT TAX TOWERS, KARMANA P.O, THIRUVANANTHAPURAM, PIN - 695002
7. THE VILLAGE OFFICER, MANNAMKANDAM VILLAGE OFFICE, MANNAMKANDAM ADIMALY .P.O, PIN - 685561
8. THE SECRETARY, SERVICE CO-OPERATIVE BANK, ADIMALY, ADIMALY .P.O, PIN - 685561
9. ADIMALY GRAMAPANCHAYATH REPRESENTED BY ITS SECRETARY, GRAMA PANCHAYATH OFFICE, ADIMALY, IDUKKI, PIN - 685561

Writ petition (civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to issue a direction to the 2nd respondent to disburse the pension dues to the petitioner before new year.

This petition coming on for admission upon perusing the petition and the affidavit filed in support of WP(C) and upon hearing the arguments of M/S. A.A.SHIBI, PRATHEESH PRABHA, MANJUSHA K.U., GAYATHRI A.L. Advocates for the petitioner and of SRI. ABDUL JAWAD.K, STANDING COUNSEL for the 9th respondent, the court passed the following:

**DEVAN RAMACHANDRAN, J.**

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**W.P.(C).No.42861 of 2023**

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**Dated this the 21<sup>st</sup> day of December, 2023**

**ORDER**

The learned Government Pleader - Smt.Vidya Kuriakose, pertinently submitted that, none of the respondents are opposing the entitlement of the petitioner to the pension in question. She submitted that, however, the Government is in "extreme" financial crisis, unable to garner resources to pay the petitioner and similarly situated hundreds of others; and, therefore, that they have now been able to release the pension only till the month of August 2023. She added that the Central share for the pension from April to August 2023 has not yet been received; and that this is also adding to the burden on the Government of Kerala.

2. Even when this Court hears the problems of the Government, it cannot be lost sight of that the petitioner is a 78 year old woman, who asserts to be surviving solely on the meagre amount of Rs.1600/- or so-being the pension in question. Even if the financial crisis projected by the State is accepted, a larger question presents as to how the petitioner can survive without the pension, being incapacitated to have access to proper food or medicine.

3. The Government must certainly prioritize the requirements of money and must give good thought to this because, a senior citizen like the petitioner is certainly a Very Important Person, whose requirements cannot be disregarded, particularly when the season of Christmas has already dawned.

4. To paraphrase, whatever be the fiscal difficulties that the Government may impel, unless they are able to inform this Court how senior citizens like the petitioner can be provided for, when their only source of income is stopped, this Court can only stand with such citizens, as per the constitutional imperatives and requirements.

However, that said, if the afore assertions are true, then the Government of India is also enjoined to answer. I therefore, adjourn this matter to be called on 22.12.2023, for the learned Central Government Counsel to obtain specific instructions on the latter limb of the submissions of Smt.Vidya Kuriakose; with a corollary direction to the official respondents of Government of Kerala to inform this Court, within what time the entire pensionary benefits of the petitioner will be paid off in full.

I hope that respondents will keep in mind that this is the Christmas season, when citizens are in festivities, with the Government also promoting it through various programmes; and it

will be rather unfortunate that, if persons like the petitioner - who is in advanced age and, according to her, requiring medical aid - is left without any moorings and support.

H/o.

**Sd/-  
DEVAN RAMACHANDRAN  
JUDGE**

anm

