

THE HON'BLE SRI JUSTICE A.V. SETHA SAI

WRIT PETITION No.6906 OF 2016

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ORDER:

This Writ Petition is filed under Article 226 of the Constitution of India for the following relief:

“to issue a writ, order or direction more particularly one in the nature of a Writ of Mandamus declaring the action of the Respondents in not issue the pension to the Petitioner relating to the status of the wife of (Deceased Employee) P.Muneendrudu is arbitrary, illegal and violation of Articles 19, 21 of the Constitution of India and consequently direct the Respondents to issue the pension to the Petitioner relating to the status of the wife of (Deceased Employee) P.Muneendrudu forthwith and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

2. Heard Sri K.Maheswara Rao, learned counsel, appearing for the petitioner and learned standing counsel for the respondents.

3. According to the petitioner, she is the legally wedded wife of one Sri P.Muneendrudu, a former employee of the respondent Devasthanam. The said Sri P.Muneendrudu died on 31.12.2009, while in service. It is further pleaded that when the petitioner made a representation to the respondent temple praying for death benefits and family pension, the respondent authorities asked the petitioner to get the declaration from the competent Court of Law. Thereafter, petitioner along with her mother-in-law and children filed F.C.O.P.No.116 of 2010 on the file of the Family Court-cum-

V Additional District Judge, Tirupati, against the third respondent and the respondent Devasthanam. The said O.P. was contested by the respondents therein and the learned Judge on 24.03.2014 passed final order, partly allowing the said O.P.No.116 of 2010 and the operative portion of the same reads as under:

“In the result, the petition is partly allowed by declaring the second petitioner as the legally wedded wife of the deceased Muneendrudu, Petitioners 3 to 5 alone cannot be declared as the legal heirs of the deceased, hence the prayer for declaring the petitioners alone as the legal heirs of the deceased is negative and it is dismissed. No costs.”

4. The petitioner thereafter submitted a representation to the Executive Officer of the 1st respondent temple, dated 31.08.2015 (received on 01.09.2015), requesting for sanction of family pension from the date of death of her husband. The grievance in the present writ petition is despite the order passed by the Family Court in F.C.O.P.No.116 of 2010 and inspite of representation dated 31.08.2015 submitted by her, the family pension as requested has not been sanctioned so far and in view of the same, she is suffering much hardship.

5. It is submitted by learned standing counsel for the respondents 1 and 2, on instructions, that necessary action will be taken on the representation dated 31.08.2015 submitted by the petitioner in accordance with law.

6. For the aforesaid reasons, Writ Petition is disposed of, directing the respondents 1 and 2 herein to pass appropriate orders on the representation dated 31.08.2015 submitted by the petitioner herein, in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

7. Miscellaneous petitions pending consideration, if any, in the Writ Petition shall stand closed in consequence. No order as to costs.

A.V.SESHA SAI, J

03.03.2016

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