

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION NO.6281 OF 2014

ORDER:

It is the case of the petitioner that her husband who was working as Assistant Lineman in the respondents' company died on 26-10-2002 leaving behind him the petitioner and her mother-in-law. When she sought for retirement benefits, she was asked to get necessary declaration from the competent Court. Thereupon, she filed FCOP No.2 of 2006 on the file of the Judge, Family Court-cum-V Additional District Judge, Tirupati to declare herself and her mother-in-law as legal heirs of the deceased. The said O.P. was decreed, vide judgment, dated 23-03-2007. After filing copy of the order, the 4th respondent issued a memo, dated 20-08-2008 directing the 3rd respondent to release all the benefits except family pension. The 4th respondent directed the 3rd respondent to pay the pension as per A.P. Revised Pension Rules, 1980. However, her application for appointment on compassionate ground was rejected on the ground that she was aged less than 16 years as on the date of death of her husband. Thereafter, she submitted a detailed representation on 12-09-2007 to the 1st respondent to provide suitable employment. Her application was considered and an order of rejection was passed on 30-08-2013 on the ground that she is less than 16 years as on the date of death of her husband.

2. Learned counsel for the petitioner submits that in view of circulars in T.O.O. (Addl.Secy.Per) Ms.No.255, dated 30-11-2002 and B.P.Ms.No.119, dated 10-02-1982, in case of spouse of the deceased, age can be relaxed.

3. A counter-affidavit is filed on behalf of the respondents stating that they received legal notice on 30-12-2002 issued on behalf of the mother of the deceased stating that her son died as a bachelor and the petitioner is not concerned with the deceased employee. The petitioner approached the Family Court in FCOP No.2 of 2006 and the death benefits were paid to the petitioner. It was also stated that the deceased did not furnish any details of the family members nor he submitted any nomination in favour of the petitioner. The petitioner was paid arrears of family pension to a tune of Rs.6,35,983.78 ps by way of cheque and the same was acknowledged by the petitioner.

4. However, in view of reliance of the petitioner on the circulars, liberty is given to the petitioner to submit a representation to the competent authority to consider her case for relaxation of age limit and it is open to the said authority to consider the case of the petitioner for appointment on compassionate ground, if she is otherwise eligible.

5. Accordingly, the Writ Petition is disposed of. No order as to costs. Miscellaneous petitions, if any pending in this writ petition shall stand closed.

A.RAMALINGESWARA RAO, J

DATED: 20-07-2016

Hsd