

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

W.P.No.25371 of 2016

ORDER

This writ petition is filed seeking to declare the action of the 2nd respondent in not releasing the death benefits to the petitioner vide proceedings dated 17.5.2016 as arbitrary and illegal.

While working as Attender in the 1st respondent-Corporation, the father of the petitioner died on 10.3.1986 leaving behind himself and his sister. The petitioner approached the second respondent for release of the death benefits. Though the 2nd respondent prepared the cheque for an amount of Rs.9,09,541/-, the 3rd respondent, who is the sister of the petitioner, made a representation to the 2nd respondent seeking the death benefits. Under those circumstances, the petitioner submitted a representation dated 7.6.2016 to the 2nd respondent relying on Rule 46, Clause B, 5 and X of the A.P.Revised Pension Rules, 1980 explaining the position that the married daughter is entitled to a share in the gratuity only. When no amount was paid to the petitioner in spite of the said representation, the present writ petition is filed.

Learned counsel appearing for the respondents

submits that the 3rd respondent approached the Legal Services Authority and a Pre Litigation Case is pending before it.

In the circumstances, this Court is inclined to dispose of the writ petition, without going into the merits of the case, by directing the second respondent to consider the representation made by the petitioner on 7.6.2016 and take necessary action for release of the death benefits to the persons entitled, as per law, within a period of eight weeks from the date of receipt of a copy of this order.

Writ Petition is accordingly disposed of. No costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

JUSTICE A.RAMALINGESWARA RAO

5th August, 2016
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