

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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WRIT PETITION No.10246 of 2016
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ORDER:

This writ petition was filed challenging the action of respondent in not granting family pension and pensionary benefits payable to the petitioner in spite of the representation dated 07.10.2015 and legal notice dated 11.01.2016.

Now, a counter affidavit is filed stating as follows:

“4. It is submitted that the petitioner's husband was appointed as RPF Constable on 15-6-1976 and while he was working as Head Constable he died on 20-5-2012. He died at the Railway Hospital, Vijayawada due to sickness. The pay of the petitioner's husband at the time of his death was Rs.11,210/- in the pay band of Rs.5,200-20,200/- with a grade pay of Rs.2,800/- and not Rs.11,200/- as stated by the petitioner. Sri D.V.K.Mani Babu, Head Constable died on 20-5-2012 and the petitioner had submitted the pension papers on 23-1-2013 that was after a delay of eight months from the date of the death of the petitioner's husband. Accordingly, the case of the petitioner was processed and family pension was sanctioned as per entitlement and forwarded to the Senior Divisional Financial Manager, Vijayawada. At that point of time the family pension was calculated at the rate of 50% of the last pay drawn by the deceased employee. The deceased employee's last pay was Rs.11,210/- and the family pension was fixed at Rs.5,605/-. After a thorough scrutiny of the case the Senior Divisional Financial Manager, Vijayawada had issued a pension payment order No.59044121590 dated 23-7-2013 and authorised payment of Rs.5,605/- each month to the petitioner from 20-5-2012 i.e., the date of death of her husband upto a period of 10 years and thereafter Rs.3,500/- per month till her death or remarriage, whichever ever was earlier. The payment of family pension was authorised to Syndicate Bank, Extension Counter, Railnilayam, Secunderabad (SB account No.30462030012900). The service certificate issued in favour of the petitioner's husband states that the amounts of terminal benefits/pensionary benefits released to the petitioner are as follows: the death gratuity of Rs.2,21,598/-

Group Insurance Scheme Rs.30,000/- Employee contribution for general insurance scheme of Rs.21,269/- in addition Provident Fund balance Rs.5,390/-. The above mentioned amounts were authorised to be paid to the petitioner after deducting the recoveries of an amount of Rs.65,485/- through the petitioner's Savings bank account No.30462030012900) at the Syndicate Bank Extension Counter, Railnilayam, Secunderabad. (IFSC Code SYNB 0003045).

5. It is submitted that the Pension payment order clearly directs the pensioner to complete all the formalities with the bank for the commencement of family pension and as such there was no delay on the part of respondent sanctioning the family pension and other retirement benefits. Therefore, the averments of the petitioner in the writ affidavit that she has not been paid family pension from the date of death of her husband and that she has not been paid pensionary benefits are not sustainable in law in as much as the service certificate, pension payment order clearly state that the petitioner had in fact received the pensionary benefits. The copies of the pension payment order and service certificate have been handed over to Kumari D.Priyanka daughter of the petitioner under clear acknowledgment.”

It was also stated that in view of the above action, the action on the representation dated 08.10.2015, which was received on 03.11.2015, does not need any consideration. It was further stated that the respondent, by letter dated 12.04.2016 addressed to the Manager of Syndicate Bank, Secunderabad, called for the details of terminal benefits and family pension, and the Manager, by letter dated 11.05.2016 addressed to the respondent, informed that an amount of Rs.2,07,742/- was credited to the account of petitioner on 24.07.2013 and pension was already paid as per the pension payment order.

In view of the above, no further orders are necessary in this writ petition and accordingly, this Writ Petition is closed. No order as to costs.

Miscellaneous Petitions pending, if any, shall stand closed.

A.RAMALINGESWARA RAO, J

25.07.2016

MVA