

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

WP.No.21106 of 2016

ORDER :

The petitioner's husband by name Sri K. Narasimha Reddy was employed in the Tirumala Tirupathi Devasthanam (T.T.D.) at Tirumala. He retired on 31.10.2003, and was awarded retirement gratuity and other pensionary benefits on 09.10.2003.

2. He died on 13.08.2006, and as per order passed by 3rd respondent on 09.10.2003, the petitioner was awarded pension on the death of her husband, and she was being paid a sum of Rs.2,840/- by crediting to her bank account till December, 2012.

3. Thereafter, without any prior notice to petitioner suddenly the respondents stopped paying pension to petitioner. The petitioner contends that when she approached the respondents, the respondents stated that on an oral representation made by her son the pension was stopped. She contends that the pension was the only source of her livelihood for her, that she was suffering from old-age ailments and joint pains, and the action of respondents in stopping the pension without assigning any reason, is illegal, unjust and contrary to Article 21 of the Constitution of India.

4. Counter-affidavit is filed by respondent nos.2 to 4 admitting that petitioner is the wife of late K. Narasimha Reddy, who had retired

from the service of T.T.D., but contending that the sons and daughters of petitioner made a complaint on 03.01.2013 to the Additional Accounts Officer and Chief Accounts Officer, T.T.D. to stop payment of family pension to her on the ground that she re-married another person and was living with him at Tiruvallur, Tamilnadu State. It is also stated that an enquiry by the Vigilance Wing of T.T.D. was ordered in which it came out that in the Voter Identity Card and Voters' list, it was mentioned that petitioner's husband's name was Paramour Subramanian.

5. It is not denied that petitioner was not issued any prior notice before stopping family pension payable to her or that in any enquiry, allegedly conducted by respondents, notice was not given to petitioner to prove otherwise.

6. In the reply-affidavit filed by petitioner, the petitioner contended that in the Voter Identity Card issued to her, her husband's name was wrongly mentioned, that there was a typographical error, and the petitioner made a representation to the Electoral Registration Officer dt.24.07.2016 for correcting the name of the husband in the Voter Identity Card, and that it is pending. She contended that wrong mentioning of her husband's name in the Voter Identity Card is not conclusive proof of her re-marriage, and without any scrap of paper to establish her marital status as a re-married person, the impugned action has been initiated. She categorically denied that she re-married the said Paramour Subramanian as alleged by the respondents.

7. This is a very sad case where family pension payable to a widow of a deceased employee has been stopped by respondents without even issuing notice to her. The complaint allegedly made by her children against her that she had re-married another person is not even filed with the counter-affidavit. Whatever enquiry the respondents claim to have done is behind the back of petitioner. It is not known on what basis conclusion about marital status of petitioner was drawn on the basis of an entry in her Voter Identity Card which at best would prove her identity and is not evidence of her marital status. In any event, the petitioner has sought correction of the same by giving a representation to the Electoral Registration Officer on 24.07.2016.

8. The counsel for petitioner states that a new Voter Identity Card mentioning the name of petitioner's husband as Sri K. Narasimha Reddy has been issued subsequently, and copy of the same has also been produced before this Court.

9. In any event, the action of respondents in stopping the family pension payable to petitioner is in gross violation of principles of natural justice, and it cannot be sustained.

10. Therefore, the Writ Petition is allowed and respondents are directed to release forthwith pension payable to petitioner from January, 2013 till date within a period of eight (08) weeks from the

date of receipt of a copy of this order, and continue to pay the same to petitioner.

11. Accordingly, the Writ Petition is allowed with the above directions. No order as to costs.

12. As a sequel, miscellaneous petitions pending if any in this Writ Petition, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 30-11-2016

Ndr/*

