

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No. 25301 of 2017

Order:

This Writ Petition is filed challenging the action of the third respondent in issuing the death certificate of the mother of the petitioner to the fourth respondent on 19.12.2013 and she is seeking cancellation of the said death certificate.

It is evident from the facts that the mother of the petitioner died and there is no dispute with regard to the said death. The only dispute is with regard to entitlement for pensionary benefits consequent to the death of Smt. Dronadri Krishna Kumari. The petitioner is disputing the claim of the fourth respondent as the legally wedded husband of the said Krishna Kumari. The petitioner states that she is the daughter of the said Krishna Kumari. These rival claims have to be decided in a separate proceedings and the Competent Authority has to release the pensionary benefits only after the decision with regard to rival claims as per law. This Writ Petition filed on the ground of possession of a death certificate of Krishna Kumari by the fourth respondent is totally misconceived and possession of death certificate does not confer any right on the fourth respondent to claim pensionary benefits. The petitioner's claim is an independent one which has to be established in accordance with the rules and law.

In the circumstances, giving liberty to the petitioner to establish her right to claim pensionary benefits before the Competent Authority, the Writ Petition is disposed of. There shall be no order as to costs.

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

A. RAMALINGESWARA RAO, J

Date: 31.07.2017
Nsr

