

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.29240 of 2011

Dated:10.07.2017

Between:

P.Krishna Veni, W/o. Late Appa Rao, Aged about
35 years, Occu: Service, R/o. 14-399, Leela Sundara
Nagar, Sector 3, Arilova, Visakhapatnam.

...Petitioner

AND

The District Collector, Visakhapatnam and another

.. Respondents

CONTEMPT CASE No.336 of 2015

Dated:10.07.2017

Between:

P.Krishna Veni, W/o. Late Appa Rao, Aged about
39 years, Occu: Service, R/o. 14-399, Leela Sundara
Nagar, Sector 3, Arilova, Visakhapatnam.

...Petitioner

AND

Mr.D.V.Ramana, S/o. Not known to the petitioner,
Aged Major, working as Special Officer (LA)/Deputy
Collector, Steel Plant, Visakhapatnam.

.. Respondent

The Court made the following:

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.29240 of 2011
AND
CONTEMPT CASE No.336 of 2015

COMMON ORDER:

Husband of the petitioner claimed to have worked as Watchman on Full Time Contingent basis from 15.04.1980 in the office of Special Officer (Land Acquisition)/Deputy Collector located in Visakhapatnam Steel Plant, Visakhapatnam. While working in the said capacity, he died on 12.12.1988. Petitioner being wife of the deceased employee claimed for grant of release of pensionary benefits. Even though such request was made on several occasions, pensionary benefits were not released. Aggrieved thereby, the Writ Petition was filed.

2. Facts narrated in the writ petition disclose that the husband of the petitioner was working in the office of the Land Acquisition Officer located in Visakhapatnam Steel Plant. This office is a State Government Office and officer under whom husband of the petitioner worked was a Government employee. This office is established to process the land acquisition issues to acquire land for the purpose of establishment of Visakhapatnam Steel Plant. The acquisition process was by the State of Andhra Pradesh. The grievance of the petitioner is against non-settlement of pensionary benefits as claimed by her for the work rendered by her husband in the Government office. Thus, this being State Government service

grievance, the aggrieved person has to invoke the jurisdiction of Andhra Pradesh Administrative Tribunal (for short, 'APAT') constituted under the Administrative Tribunals Act, 1985. The APAT is the Court of first instance to adjudicate all service grievances including grievance flowing out of service rendered by husband of the petitioner. As held by the Supreme Court in *L.Chandra Kumar v. Union of India*¹, the APAT is the Court of first instance to adjudicate service grievance and no person can invoke the jurisdiction of this Court directly without availing such remedy. Ordinarily the writ court does not entertain writ petitions when there is effective and efficacious remedy.

3. Thus, leaving it open to the petitioner to avail the remedy as available under the Administrative Tribunals Act, the Writ Petition is dismissed. However, having regard to the claim of settlement of retirement benefits, it is hoped and expected that the Tribunal would decide the claim on merits without going into the issue of delay in invoking the jurisdiction of the Tribunal.

4. Since the Writ Petition No.29240 of 2011 is dismissed as not maintainable on the ground that the petitioner has an effective and efficacious remedy available under the Administrative Tribunals Act, 1985, this Court is not inclined to proceed with the Contempt Case at this stage. Further, the counter affidavit filed in the writ petition discloses that on 15.04.2015 an endorsement was issued informing

¹ AIR 1997 SC 1024 = (1997) 3 SCC 261

the petitioner that as her husband has not worked as Full Time employee and his services were not regularised, she is not entitled to claim pensionary benefits and the family pension under the Andhra Pradesh Revised Pension Rules, 1980. This order/endorsement is not under challenge.

5. Accordingly, Contempt Case is closed.

6. Consequently, Miscellaneous Petitions, if any, pending in the writ petition as well as in the contempt case shall stand closed.

There shall be no order as to costs.

Date:10.07.2017
INL



JUSTICE P.NAVEEN RAO