

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.23788 OF 2017

ORDER:

The case of the petitioner is that she is the wife of deceased B.Srinivasulu who expired on 10.01.2015 while working as Assistant Planning Officer, Kakatiya Urban Development Authority, Warangal, and consequent upon his death petitioner's son has been given compassionate appointment. However, except 75% of provisional family pension, the retirement benefits are not released and paid till date. As such, the petitioner submitted several representations for release of the retirement benefits and also for balance family pension. While the petitioner's husband was in service, disciplinary proceedings were initiated against him vide charge memo dated 11.07.2012 alleging certain irregularities and ultimately the same ended in imposition of a penalty of reduction to lower rank with immediate effect. Aggrieved with the continuation of proceedings and imposition of penalty, petitioner's husband has filed OA.Nos.424 & 3691 of 2013 which were allowed by the Tribunal by order dated 02.07.2013 by setting aside the impugned proceedings with a further direction to the respondents to conclude the disciplinary proceedings within a period of six months. But, however, the respondent authorities could not

complete the disciplinary proceedings during the life time of petitioner's husband, as such the same abated by virtue of Rule 9(8) of the A.P.Revised Pension Rules, 1980. As such, the petitioner is entitled to receive the balance 25% of the family pension. It is also stated that the respondents have not yet regularized the suspension period of petitioner's husband from 11.07.2012 to 20.02.2013 and 12.09.2014 to 18.10.2014 due to which the annual increments due for the years 2011, 2012, 2013 & 2014 have not been sanctioned. Aggrieved by the action of the respondents in paying only provisional family pension vide proceedings dated 18.11.2015 and denying the other retirement benefits by not regularizing the suspension period and denying the increments payable to the petitioner's deceased husband without finalizing the regularization of suspension period and also periodical increments inspite of the fact that all the alleged departmental proceedings would abate on the death of petitioner's husband on 10.01.2015, present writ petition is filed.

Heard learned counsel for the petitioner and learned Government Pleader for Services and also learned counsel appearing for respondents 2 and 3.

It is to be seen that basing on the representation of the petitioner, the 2nd respondent issued proceedings dated

18.11.2015 sanctioning 75% provisional pension to the petitioner. Thereafter, the petitioner submitted representation dated 19.04.2016 to the 2nd respondent for release of the balance 25% of the family pension and also one more representation in the month of May, 2017, which goes to show that imposition of punishment against petitioner's husband was set aside by the Tribunal on 02.07.2013 in OA.No.3691 of 2013.

In view of the facts and circumstances, the 2nd respondent is directed to take appropriate action for payment of balance 25% of family pension to the petitioner and also other retirement benefits, if any in accordance with the Rules after considering the representations of the petitioner dated 19.03.2015, 19.04.2016 and the representation made in the month of May, 2017, within a period of eight weeks from the date of receipt of a copy of this order.

Accordingly, the writ petition is disposed of. No order as to costs. As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY,J

10-08-2017
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