

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION (TR) No.391 OF 2017

ORDER:

Heard learned counsel for the petitioner and learned Government Pleader for respondents.

This writ petition arises out of an Original Application filed before the Tribunal in O.A.No.308 of 2013.

The father of the petitioner, who worked as Carpenter in the office of the second respondent, expired on 17.07.1998, while in service. After his death, the mother of the petitioner was sanctioned family pension @ Rs.2,500/- per month till her demise on 20.09.2007. The petitioner married one R.Sudarshan on 03.12.1989 as per Hindu Rites and Customs, but she states that she got customary divorce from her husband on 10.02.2004 and after getting divorce, she has been residing with her mother as a dependant. Since she was not remarried and was not having any properties, she submitted an application for family pension to the second respondent and when the same was forwarded on 25.07.2012 to the third respondent, the third respondent returned the same on 21.01.2013 stating that divorce dated 10.02.2004 under a Notary is not a valid document. Thereafter, the petitioner did not take any steps but straightaway filed the Original Application as aforesaid.

Counter affidavit is filed stating that the husband of the petitioner also expired on 28.12.2011. G.O.Ms.No.353, Finance Department, dated 04.12.2010, which specifies that 'if the claimant is a divorced daughter, an attested copy of the divorce deed has also to be enclosed', was issued by the Government in December, 2010 and the husband of the petitioner died after one year of the said G.O. Though the petitioner has got time of one year for getting a decree of divorce, she did not obtain the decree of divorce.

Be that as it may, since the claim of the petitioner is based on her dependency on the mother of the petitioner, it is for the petitioner to establish her dependency by submitting proper proof to the second respondent. The second respondent, on receipt of such proof, has to forward the papers to the third respondent. In the circumstances, liberty is given to the petitioner to take appropriate steps in the light of the above facts, but no relief can be granted to the petitioner in the present writ petition.

The writ petition is accordingly dismissed. Consequently, miscellaneous petitions, if any pending, in this writ petition, shall stand closed. There shall be no order as to costs.

23.11.2017
pln

A.RAMALINGESWARA RAO, J

