

**HON'BLE SRI JUSTICE A.RAJASHEKER REDDY**

**WRIT PETITION No.18690 OF 2017**

**ORDER:**

This writ petition is filed through GPA holder who is daughter of the petitioner. It is the case of the petitioner that her husband was in Government Services (ACB Department, Hyderabad) and was receiving pension till his death vide PPO bearing No.06S015148 in USA and that he was died on 04.03.2003 in USA, leaving behind him, his wife i.e. petitioner and his children. The petitioner claims that she is entitled for family pension as she is legally wedded wife and that due to ill health she could not file necessary papers before the respondents to secure family pension. She also submits that due to non filing of relevant papers, the respondents have not released the family pension in her favour and the pension file was returned to the 4<sup>th</sup> respondent. While so, petitioner personally visited Hyderabad and filed all the relevant papers including death certificate of her husband before the 1<sup>st</sup> and 2<sup>nd</sup> respondents and requested to release family pension including arrears. Thereafter, the 1<sup>st</sup> respondent addressed a letter to the 2<sup>nd</sup> respondent who in turn addressed a letter dated 29.02.2016 to the Accountant General, A.P/Telangana, Hyderabad, requesting to recall the PPO bearing No.06S015148 pertaining to the petitioner's husband stating that his wife i.e petitioner approached for release of family pension w.e.f.05-03-2003 as her husband expired on 04.03.2003. Basing on the said letter, the 4<sup>th</sup> respondent vide letter No.PM CELL/I/2016-2017/184687 has forwarded the duplicate pension payment order to the 2<sup>nd</sup> respondent who later forwarded the same to the 1<sup>st</sup> respondent vide endorsement

dated 23.06.2016 for taking necessary action. Subsequently, the 1<sup>st</sup> respondent addressed a letter to the Commissioner of Police, Hyderabad vide letter dated 06.08.2016 to enquire and confirm of the petitioner's non-appearance and undrawal of pension at petitioner's address while furnishing the address of the petitioner even though the petitioner has been residing in USA. As no response is forthcoming, petitioner has constrained to address another letter to the 1<sup>st</sup> respondent while enclosing Life Certificate issued in her favour by the Consulate General of India dated 07.09.2016 and Life Certificate in prescribed form duly attested by Notary Public, Government of New York State, USA and requested the 1<sup>st</sup> respondent to release and process the payment of monthly family pension on notional basis with immediate effect while continuing processing for payment of arrears of Family Pension as early as possible, but in vain. The petitioner also addressed a letter to the 1<sup>st</sup> respondent on 18.02.2017 wherein the petitioner has given change of her address and requested the 1<sup>st</sup> respondent to do the needful for release of family pension. As no action has been taken, present writ petition is filed.

The 4<sup>th</sup> respondent filed counter affidavit stating that the 4<sup>th</sup> respondent received a letter dated 29.02.2016 from the office of the 2<sup>nd</sup> respondent requesting to recall the Pension Payment Order (PPO) bearing No.06S015148 in respect of petitioner's husband stating that she approached for release of family pension with effect from 05.03.2003 as her husband had expired on 04.03.200. It is also submitted that the 4<sup>th</sup> respondent by its letter dated 03.06.2016 had forwarded the said duplicate pension payment order in favour of

petitioner as per the request of the office of the 2<sup>nd</sup> respondent. As the 4<sup>th</sup> respondent has already forwarded the duplicate Pension Payment Order to the concerned authority vide office letter dated 03.06.2016, the contentions and averments made by the writ petitioner against the 4<sup>th</sup> respondent are incorrect and the writ petition is liable to be rejected.

Heard learned counsel for the petitioner who submits that since the 4<sup>th</sup> respondent has already forwarded duplicate Pension Payment Orders to the 2<sup>nd</sup> respondent, vide letter dated 03.06.2016, the respondents may be directed to take appropriate action for release of pension in favour of the petitioner.

Heard learned Assistant Government Pleader for Services.

Since, already the 4<sup>th</sup> respondent had forwarded the duplicate pension payment order to the 2<sup>nd</sup> respondent, it is for the 2<sup>nd</sup> respondent to consider the same and pass orders, in accordance with law and take action there of. The said exercise shall be done 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 thereto, miscellaneous petitions, if any, pending shall stand closed.

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**A.RAJASHEKER REDDY,J**

22.08.2017  
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