

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.27961 OF 2017

ORDER:

The case of the petitioner is that her husband by name B.Narasimha while working as Attender in the office of 4th respondent expired on 20-02-2008 and that he joined service on 30-12-1999. That the Family Members Certificate was also issued by the Tahsildar, Uppal Mandal showing the petitioner as first wife and one Smt.B.Babamma as second wife, Smt.Suguna, Smt.Bhagya and B.Mahesh as her children and Smt.Balamani, Kum.B.Sangeetha, Kum.B.Dhanlaxmi and B.Ramesh as children of the second wife. A Family Agreement was entered into on 04-05-2009 between them and according to which, B.Ramesh, the son of said Babamma, (second wife) be given compassionate appointment and insofar as other terminal benefits are concerned, they have to be paid to the petitioner. The petitioner has been approaching the Tahsildar for sanction of family pension ever since her husband died. However, no action has been forthcoming and nine years have been elapsed and as she has no source of income, she is unable to nurture her children. Thereafter, the petitioner made a representation on 28-01-2017 along with copies of death certificate and also Family Members Certificate and again

she submitted the four sets of family pension papers on 16-02-2017 to the Tahsildar, Ghatkesar Mandal, Medchal District. As no pension is being paid to the petitioner, she made another representation on 16-03-2017. Thereafter, a memo No.A/1055/2017, dated 20-07-2017 was issued stating that in the absence of Service Register, pension cannot be granted and the petitioner was directed to produce Service Register. The petitioner approached the office of Tahsildar, Ghatkesar Mandal, who issued Service Certificate vide File No.A1/346/2008, dated 02-04-2008 certifying that the petitioner's husband was appointed on 30-12-1999. The Government issued G.O.No.224 Finance And Planning (F.WING-PSC.1) Department, dated 28-08-1982 stating that in cases, the Service Register itself is lost or not traceable, once the date of appointment is established, the family pension can be granted. Though the petitioner submitted all the documents, no action has been taken. Aggrieved by the same, the present writ petition is filed.

Heard learned counsel for the petitioner and learned Assistant Government Pleader for Services.

The memo dated 20-07-2017 shows that Service Register of the petitioner's husband was not available and the petitioner was informed to produce the Service Register. But, by virtue of G.O.Ms.No.224,

dated 28-08-1982, which is issued by amending Andhra Pradesh Revised Pension Rules, 1980, petitioner shall produce the certificate issued by the Tahsildar. Para C of Para (d) of G.O.No.224 reads as follows:

“In cases, where the Service Register itself is lost or not traceable, once the date of appointment is established with reference to direct independent evidence, and affidavit given by the employee in respect of his service duly supported by collateral evidence of contemporary employees, shall be accepted.”

It is stated that service certificate was issued by Tahsildar. In view of the same, it is open for the petitioner to produce said certificate issued by Tahsildar and also file affidavit as per G.O.Ms.No.224, dated 28-08-1982 if not already submitted. On submission of the same, the competent authority is directed to consider the same in terms of G.O.Ms.No.224, dated 28-08-1982 and take action accordingly within a period of eight weeks from the date of receipt of a copy of this order.

Accordingly, the writ petition is disposed of. As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY,J



