

HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.17946 OF 2003

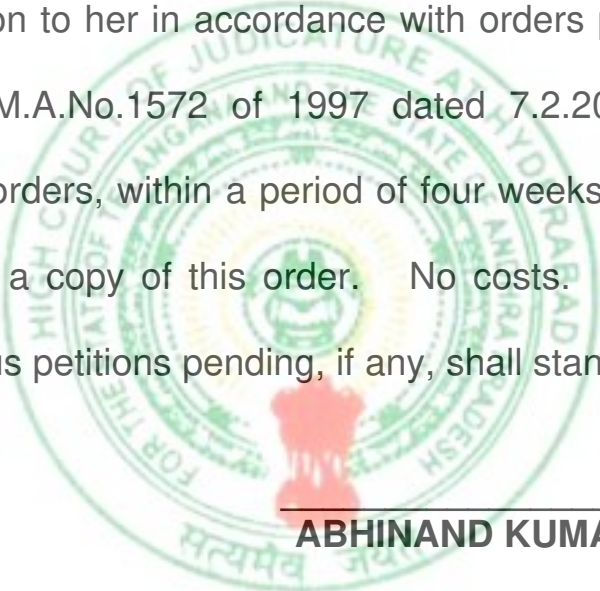
ORDER:

1. The petitioner, who is the 2nd wife of the deceased employee, filed this writ petition challenging the order dated 3.7.2003, wherein her request for grant of family pension to her, was rejected.

2. It has been contended by the petitioner that the respondents vide the impugned order dated 3.7.2003 rejected her case on the ground that the deceased employee had taken unofficial divorce from his first wife, and when the first wife is alive, the 2nd wife is not entitled for family pension. It has been further contended by the petitioner that she has approached the competent Civil Court viz., District Judge, Krishna District at Machilipatnam by filing S.C.O.P.No.167 of 1992 and obtained succession certificate to the effect that she is entitled for terminal benefits, and aggrieved by the same, the 1st wife filed C.M.A.No.1572 of 1997 before this Court and thereafter, the issue was compromised, and then, this Court was pleased to pass orders in C.M.A.No.1572 of 1997 dated 7.2.2001 in terms of the compromise, and therefore, the respondents are bound to pay the family pension in accordance with the orders of this Court in the above C.M.A.

3. Having considered the above submissions and the material available on record, this Court is of the view that this writ petition can be disposed of directing the respondents to consider the case of the petitioner for family pension in accordance with the orders of this Court in the above mentioned C.M.A.

4. Accordingly, the Writ Petition is disposed of directing the respondents to consider the case of the petitioner for grant of family pension to her in accordance with orders passed by this Court in C.M.A.No.1572 of 1997 dated 7.2.2001 and pass appropriate orders, within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.



ABHINAND KUMAR SHAVILI, J

Dated: 26.9.2018.
nn.

HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

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26/09/2018

Nn.