

THE HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN

AND

THE HON'BLE SRI JUSTICE M. GANGA RAO

WRIT PETITION No.6277 OF 2017

Date:13.08.2018

Between:

Allam Sumathi W/o.Late A.Ramanaiah

... Petitioner

v.

The Registrar (Administration),
High Court of Judicature for the State of Telangana
and the State of Andhra Pradesh,
Hyderabad and others.

... Respondents

Counsel for Petitioner : Sri V. Maheswar Reddy

^ Counsel for Respondents : Sri Swaroop Oorilla

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> Head Note

? Cases Referred : Nil

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AND

HON'BLE SRI JUSTICE M. GANGA RAO

WRIT PETITION No.6277 OF 2017

ORDER: (per V. Ramasubramanian, J)

Aggrieved by the refusal of the respondents to sanction family pension, the wife of a deceased employee has come up with the above writ petition.

2. Heard Mr. V. Maheswar Reddy, learned counsel for the petitioner and Mr. Swaroop Oorilla, learned Standing Counsel for the respondents.

3. Paragraph Nos.3 and 4 of the counter affidavit of the 3rd respondent, namely, the Junior Civil Judge, Sullurpet, Nellore District, are sufficient for the disposal of the present writ petition.

Therefore, they are re-produced as follows:

“3. In reply to the averments made in the affidavit filed in support of the Writ Petition, it is respectfully submitted that except the facts mentioned hereunder, remaining facts are not true and correct. It is respectfully submitted that Sri Allam Ramanaiah, worked as Junior Asst., Prl. Junior Civil Judge's Court, Sullurpet and retired from this Court on 01-08-1998 is true. He died on 06-04-2013 as per death Certificate available in the record. It is true that, Pensionary benefits and the pension was sanctioned and he got pension till his death. It is true that the name of the petitioner in the Writ Petition No.6277 of 2017 is shown as wife in the Form Nomination for family pension and also in Form-F Details of family members and nomination for Death-cum-Retirement Gratuity Form enclosed to the Service Register. It is true that, the pension papers were returned by the office of the Accountant General, A.P., Hyderabad to submit along with joint photo of his wife as a family pension beneficiary with identification marks and specimen signatures in triplicate. The same was represented noting family pension beneficiary refused to give her joint photo and subscribe her signature in the pension papers. Hence, Family Pension does not arise. It is true that pensioner is

shown as nominee being legally wedded wife. It is true that, after the death of Sri Allam Ramanaiah, the family pension is required to be paid to the petitioner. However, it is false to say that she submitted a representation to this respondent requesting to process for sanction of family pension and for sending the same to 4th respondent for sanction and authorization. It is also false to stay that this respondent has not initiated any action for processing the sanction of pension paper. It is false to say that there is inaction on the part of this respondent and due to that, she is facing economic starvation. It is also false to say that the respondent ought to have taken initiative for sanction and release of family pension to her.

4. It is further submitted that this office has no intimation about the death of Sri Allam Ramanaiah and nobody submitted his death certificate. The petitioner never approached this office along with a request to send for proposal for family pension in her name for family pension. It is false to say that she submitted a representation on 25.3.2015 to this office for taking steps for release of family pension. The remaining allegations made by herein para 3 are false. There is no inaction on the part of this office. She never approached this office along with death certificate of Sri Allam Ramanaiah and with proposal for family pension in her name through proper channel.”

4. It is clear from the portion of the counter – affidavit extracted above that there is no rival claim by any other lady to the family pension. The eligibility of the petitioner to family pension is also not disputed. Though the petitioner was also at fault in not rendering cooperation, the same cannot take away her rights to receive the family pension.

5. Therefore, the writ petition is allowed directing the respondents, who are concerned with the processing of the family pension proposals, to give instructions in writing to the petitioner, within two (2) weeks from the date of receipt of a copy of this order as to what type of formalities the petitioner is supposed to comply with. Within two (2) weeks of receiving such written instructions from the concerned respondent, the petitioner shall comply with all

those formalities. Within four (4) weeks thereafter, the pension proposals shall be prepared and forwarded to the Accountant General and thereafter, the Accountant General shall sanction family pension in accordance with law.

6. As a sequel thereto, miscellaneous petitions, if any, pending shall stand dismissed. No order as to costs.

V. RAMASUBRAMANIAN, J

August 13, 2018

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M. GANGA RAO, J

