

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY
WRIT PETITON Nos 28986 of 2012 & 7790 of 2018

COMMON ORDER:

WP.No.28986 of 2012 is filed by the petitioners with the following prayer:

“ to issue writ or order more particularly one in the nature of writ of mandamus declaring the action of the Respondents 1 to 3 in disbursing the death benefits of Late Gaddam Chandra Reddy alone to the respondents 5 and 6 as illegal, arbitrary, unjust and also against the principles of natural justice and consequential directions to the respondents to distribute the death benefits of Late Gaddam Chandra Reddy, Lineman, into equal shares to the petitioners and as well as the Respondent No.5 and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

Initially, this Court granted interim orders on 17-09-2012 in WP.No.28986 of 2012 restraining the official respondents from paying retirement/ death benefits of late Gaddam Chandra Reddy, Lineman of the erstwhile A.P.State Electricity Board. Vacate stay petition in WVMP.No.184 of 2015 was filed by the respondents 5 and 6 in the said writ petition and said stay petition was disposed of on 22-09-2016 directing the respondents 1 to 3 therein to consider the case of the petitioners and respondents 5 and 6 in accordance with law and disburse the retirement benefits. But the respondents 1 to 3 having failed to act upon it, respondent No.5 in WP.No.28986 of 2012 filed WP.No.7790 of 2018 with the following prayer:

“ to issue any appropriate writ, order or direction particularly one in the nature of writ of mandamus, declaring the action of the Respondents 2 to 4 in not sanctioning and paying the retrial/death benefits to the Petitioner, inspite of passing the orders dated 22-09-2016 in WVMP.No.184 of 2015 in WP.No.28986 of 2012 vacating the earlier Interim Order dated 17-09-2012 in WP.No.28986 of 2012, and their action in not sanctioning the relief under Alternative Scheme for payment of relief per month on the enhanced family pension from 10-02-2012 to 30-06-2016 @ Rs.15,973/- as arbitrary, illegal and violative of Articles 14 and 21 and contrary to the A.P.Revised Pension Rules, 1980 and consequently direct the Respondent Nos 2 to 4 to sanction and pay the retrial/death benefits and the relief per month on the enhanced family pension under Alternative Scheme fro the period from 10-02-2012 to 30-06-2016 to the petitioner, with @ 24% interest per year, without reference to the pendency of W.P.No.28986 of 2012 and pass such orders as may be just.”

In fact, the petitioners in both the writ petitions are claiming death benfits of one Gaddam Chandra Reddy claiming to be the legal heirs. The grievance of the petitioner in WP.No.7790 of 2018 is that inspite of stay being vacated in WP.No.28986 of 2012, the respondent-authorities are not taking any action for disbursement of death benefits of Gaddam Chandra Reddy and she also made representations to the respondent-authorities in respect of the her grievance. Once this Court has vacated interim orders granted in WP.No.28986 of 2012 on 22-09-2016 and directed the respondent-authorities to consider the case of the petitioners

and respondents therein in accordance with law and disburse the retirement benefits of deceased Gaddam Chandra Reddy, it is not known why the competent authority is not taking action on the claims of both the parties.

In view of the same, the competent authority is directed to consider the case of the petitioners in both the writ petitions in accordance with law and disburse the retirement benefits of deceased Gaddam Chandra Reddy, in accordance with law, within a period of three months from the date of receipt of a copy of this order.

With the above direction, the writ petitions are disposed of. As a sequel to the disposal of these petitions, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY,J

13-04-2018
Nvl





