

HON' BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P. No. 6816 of 2002

ORDER:-

This writ petition is filed seeking to issue a writ of *Mandamus* declaring the action of the respondents in not granting family pension to the petitioner under Family Pension Scheme, as illegal and arbitrary. A consequential direction to release family pension to the petitioner is also sought.

Heard Sri Shaik Anwar Pasha, learned counsel for the petitioner and Sri A. Ravi Babu, learned Standing Counsel for A.P.S.R.T.C. appearing on behalf of the respondents and perused the material placed on record.

The brief facts of the case are that on 01.03.1968, the petitioner's husband was appointed as Conductor in the respondent – Corporation, and after rendering considerable length of service, he was promoted as Ticket Inspector Grade-III. While so, the petitioner's husband expired on 13.05.1996 and the case of the petitioner has not been considered for grant of family pension. Hence, the present writ petition is filed.

The learned Standing Counsel has pointed out from his counter affidavit that Family Pension Scheme was introduced by the respondent – Corporation with effect from 01.03.1971. Persons, who were appointed after 01.03.1971, will automatically become members of the Scheme, and those,

who were appointed prior to 01.03.1971, were given an option to apply for becoming a member of Family Pension Scheme, but the husband of the petitioner did not exercise any option to become a member of the Family Pension Scheme. He has further pointed out that in the absence of the petitioner's husband being a member of the Family Pension Scheme, there cannot be any legitimate direction to the respondent – Corporation to issue Family Pension to the petitioner.

Having considered the contention put forth by the learned Standing Counsel, this Court is of the view that inasmuch as the petitioner's husband was not a member of the Family Pension Scheme which fact has remained uncontroverted, the question of payment of Family Pension to the petitioner, would not arise.

The writ petition is devoid of merit, and the same is accordingly, dismissed. No order as to costs.

As a sequel, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

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ABHINAND KUMAR SHAVILI, J

26-07-2018

bcj