

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.12468 OF 2018

ORDER:

The case of the petitioner is that her husband Mr.A.V.V.Satyanarayana Murthy, while working as Assistant Commissioner of Endowments passed away on 09.02.2013; that immediately after his death the petitioner filed application on 12.04.2013 to the 2nd respondent through 3rd respondent, requesting to sanction Family Pension, GPF and other terminal benefits, besides Group Insurance and Encashment of Earned Leave with necessary pension proposals by duly attaching Death Certificate and Family Member Certificate; and that the 3rd respondent on 29.04.2013 vide proceedings in Rc.No.A4/374/2013-2, forwarded the petitioner's representation and pension proposal papers duly recommending the petitioner's case for sanction of pensionary benefits and other things. It is stated that while the petitioner's husband was alive, the 2nd respondent has issued proceedings No.E1/40866/2012-2, dated 09.11.2012 framing ten charges. Thereafter, the 2nd respondent, even after knowing about the death of petitioner's husband, appointed the Deputy Commissioner of Endowments, Kakinada as enquiry officer and sought for his report vide proceedings dated 11.10.2013. The said enquiry officer without issuing any notice to the petitioner or to her family members conducted enquiry and submitted report dated 18.11.2013 to the 2nd respondent-Commissioner, stating that all the ten charges were proved. Basing on the said report, the 1st respondent issued

G.O.Rt.No.640, dated 17.06.2016, holding that further action against petitioner's husband is abated under A.P.Revised Pension Rules, 1980, and directed to recover the loss from the pensioner benefits/retirement benefits. Thereafter, the 2nd respondent issued show cause notice dated 04.05.2017, asking the petitioner as to why Rs.11,48,174/- shall not be recovered from the pension arrears for which the petitioner has also submitted explanation on 08.06.2017. But, till today, no action has been taken by the respondents and no family pension was paid to the petitioner. Aggrieved by the same, present writ petition is filed.

Learned counsel for the petitioner submits that the right of the petitioner seeking family pension cannot be defeated by the proceedings for recovery and that the petitioner is not responsible for payment of the said amounts. He also states that the petitioner specifically pleaded the same in the explanation submitted by her to the show cause notice, but, the respondent authorities have not passed any orders, on the other hand withholding the pension without any justification.

Heard learned Government Pleader for Endowments.

It is to be seen that it has become a habit of Officers that when applications are filed by the parties, they are keeping the applications pending for a long time without any justification, as a result, citizens are forced to appear before this Court.

When the petitioner filed explanation to the show cause notice, the respondents have to pass orders. More so, the application of the petitioner for family pension is pending from 12.04.2013.

In view of the same, the competent authority is directed to consider the explanation submitted by the petitioner dated 08.06.2017 to the show cause notice and also application submitted by the petitioner on 12.04.2013 for grant of family pension and pass orders, in accordance with Rules, within a period of two months from the date of receipt of a copy of this order.

Accordingly, the writ petition is disposed of. No order as to costs.

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

12.04.2018
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A.RAJASHEKER REDDY, J