

HONOURABLE SRI JUSTICE P. KESHAVA RAO

WRIT PETITION No. 8750 OF 2015

ORDER :

Heard the learned counsel for the petitioner and the learned Assistant Solicitor General for the respondents 1 and 2.

2. The prayer sought in the writ petition are as under :

“to declare the action of the respondents 2 and 3 in not sanctioning family pension to the petitioner though pension was granted to the petitioner’s husband w.e.f. 05/05/2004 through Lr.No.112/58/2303-FF(HC)-E by the second respondent through P.P.O. No. 0434761 and the petitioner’s name was shown in sanction letter as “nominee”, her husband died on 10/10/2013, in spite of petitioner’s repeated representations dated 30/6/2014, 25/08/2014 and 21/11/2014, even though not applicable to the petitioner’s family pension, as illegal, arbitrary and consequently to direct the respondents to sanction family pension to the petitioner as her name was mentioned as “nominee” in sanction letter forthwith by duly considering the petitioner’s above representations, including the arrears i.e., from 10/10/2013 with all consequential benefits and to grant such other suitable orders as this Court may deem fit and proper in the circumstances of the case.”

3. The specific case of the writ petitioner is that in spite of submitting representations dated 30/06/2014, 25/08/2014 and

21/11/2014 for grant of family pension, the authorities, fail to consider the same in releasing the pension under “Swatantra Sainik Samman Pension Scheme, 1980”.

4. In reply to the allegations made in the affidavit filed in support of the petition, the respondents 1 and 2 have filed a counter-affidavit.

5. When the matter is taken up for hearing, it is brought to the notice of this Court that the respondents 1 and 2, have issued proceedings in File No. 112/58/2302-FF(HC)-E, dated 10/09/2015. The same is placed on record.

6. From the perusal of the said letter, it is evident that the petitioner has been sanctioned pension w.e.f. 13/08/2015 as per the revised policy guidelines. It is also mentioned that the petitioner is not entitled for arrears of pension for the gap period after the death of her husband and till the approval of the dependant family pension by the competent authority in the Ministry of Home Affairs.

7. If that be so, the specific grievance raised in the writ petition, is already redressed giving a fresh cause of action for the petitioner to challenge the non-granting of pension from the date of death of her husband i.e., 10/10/2013 to 13/08/2015.

8. In these circumstances, this Court is of the opinion that no further cause would survive, accordingly the writ petition is closed. It is needless to observe that the disposal of the present writ petition will not come in the way of the petitioner to

challenge the proceedings dated 10/09/2015 for not granting pension from 10/10/2013 to 13/08/2015 and the petitioner is at liberty to take steps available to her as per law.

9. As a sequel, miscellaneous petitions if any, pending in this Writ Petition shall stand dismissed.

JUSTICE P. KESHAVA RAO



05/12/2018
I s L

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(RESULT : CLOSED)



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Court Master: I s L