

HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

W.P.No.14689 of 2018

ORDER:

Heard learned counsel for the petitioner and the learned Government Pleader for Finance and Planning appearing for the respondents.

2. Petitioner's husband by name late Khaja Moinuddin Siddiqui, served as a School Head Master and had retired in the year 1983. He was sanctioned pension under PPO No.06s009119/FP. He expired on 30-01-2004. His first wife, one Rayeesa Begum had expired on 10-08-1999 itself much before his death. Thereafter, the petitioner was getting family pension, but suddenly the respondents started deducting certain amounts from the family pension payable to the petitioner without any prior notice to the petitioner alleging that excess pension was paid to her.

3. Assailing the same, this Writ Petition is filed.

4. In the counter affidavit filed by the 4th respondent, strangely it is contended that petitioner is entitled to only half share of the normal family pension but she had been given full pension and that there was excess payment to the petitioner which was sought to be recovered. Reliance is placed on Rule 50 para-6 (a) of A.P. Revised Pension Rules and it is contended that originally the employee had nominated both his first wife Ameena Begum and

second wife Rayeesa Begum and therefore, the pension ought to have been divided between both the wives and the petitioner could not have been paid full pension.

5. This stand is absurd for the reason that the Rayeesa Begum died in 1999 itself and before the death of her husband, who was alive till 2004. Therefore, there was only one widow who was alive after the death of the employee i.e. his first wife, the petitioner. Therefore, only the petitioner would be entitled to receive the pension and there was no question of making any payment to the deceased 2nd wife who had died in 1999 itself.

6. Therefore, the Writ Petition is allowed with costs of Rs.10,000/- (Rupees Ten Thousand only) to be paid by the 4th respondent personally; and whatever amounts have been deducted from the pension payable to the petitioner shall be paid to the petitioner forthwith with interest @ 9% per annum from the date of such deduction till the date of payment. The 2nd respondent shall take disciplinary action against 4th respondent for taking the stand he did in the counter filed by him.

7. As a sequel, the miscellaneous petitions pending, if any, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 28-12-2018

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