

HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.17324 OF 2002

ORDER:

1. This writ petition is filed seeking to issue a writ of Mandamus declaring the action of the respondent in not paying gratuity and family pension to the petitioner as illegal and arbitrary, and consequently, to direct the respondent to release family pension and gratuity to the petitioner.

2. Heard Sri Shafath Ahmed Khan, learned Counsel for the petitioner and Sri K. Lakshman, Assistant Solicitor General for the respondent.

3. It has been contended by the petitioner that her husband was employed with CRPF and during November, 1990, her husband left the house to attend duty and subsequently, his whereabouts were not known to her. Further, it has been contended that legally, she presumed that her husband died, and she submitted a representation to the respondent to pay family pension and service benefits of her husband, on 5.2.2001 and the respondent informed the petitioner vide letter dated 16.2.2001 stating that her husband was dismissed by the respondent and the dismissed employee is not entitled for any service benefits, gratuity and other attendant benefits. Challenging the same, the present writ petition is filed.

4. The learned Assistant Solicitor General contended that the husband of the petitioner was dismissed from service and the dismissed employee is not entitled for any service benefits and that there are no merits in the present writ petition.

5. This Court having considered the submissions made by the parties is of the view that ends of justice would be met if this writ petition is disposed of directing the petitioner to submit a representation to the respondent seeking compassionate allowance in terms of Rule 47 of CCS Pension Rules, within a period of two weeks.

6. Accordingly, the Writ Petition is disposed of directing the petitioner to submit a representation to the respondent seeking compassionate allowance in terms of Rule 47 of CCS Pension Rules within a period of two weeks. On such representation being received, the respondent shall consider the same and pass appropriate orders in accordance with the rules, within a period of four weeks thereafter. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

Dated: 13th November, 2018.
Nn.

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13/11/2018

Nn.