

HON' BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P. No. 24813 of 2002

ORDER:-

This writ petition is filed for the following substantive relief:

“..to issue an order in the nature of Writ of Mandamus declaring the action of the respondents in not restoring the commuted one-third pension of the petitioner's late husband Sri J.P.Vittal Rao from 01.11.1997 and not paying arrears till the date of his death i.e. 19.02.1998 and not including the commuted pension while fixing family pension to the petitioner from 20.02.1998, as illegal, arbitrary and violative of principles of natural justice and violative of Article 21 of the Constitution of India, and consequently direct the respondents to restore the commuted pension and pay arrears of pension and family pension to the petitioner.”

Heard Sri G. Praveen Kumar, learned counsel for the petitioner and Sri K. Lakshman, learned Assistant Solicitor General of India appearing on behalf of the respondents and perused the material placed on record.

The case of the petitioner is that her husband retired from service on 31.10.1982 on attaining the age of superannuation and expired on 19.02.1998 and the commuted portion of the pension was not released to the petitioner even after 15 years of commutation. In these set of circumstances, the present writ petition is filed.

The learned counsel for the petitioner submits that the petitioner is entitled to commuted portion of pension after

fifteen years of commutation and to that effect the petitioner submitted a representation dated 26.06.2000, but so far, the respondents have not considered the same.

In view of the above submission, this Court deems it appropriate to dispose of the writ petition directing the respondents to consider the petitioner's representation dated 26.06.2000 and pass appropriate orders thereon, in accordance with law, within a period of four weeks from the date of receipt of a copy of this order, and if the decision of the respondents is to pay commuted pension to the petitioner, it shall be paid to her within a period of four weeks thereafter.

With the above observations, the writ petition is disposed of. 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

25-10-2018

bcj