

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE M.GANGA RAO

WRIT PETITION No.29004 OF 2018

ORDER: (per Hon'ble Sri Justice Sanjay Kumar)

The District Audit Officer, State Audit, Machilipatnam, Krishna District, the third respondent in O.A.No.2634 of 2014 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad, preferred this writ petition aggrieved by the order dated 12.07.2017 passed therein allowing the O.A. and directing the respondents therein and, more particularly, the petitioner herein to release family pension to the applicant, the first respondent herein, from the date of death of her father, i.e., from 01.10.2012, along with interest at 12% per annum.

Heard the learned Assistant Government Pleader for Services, State of Andhra Pradesh, and Sri K.Ramalingeswara Rao, learned counsel for the first respondent-applicant.

The first respondent-applicant is the widowed daughter of late P.Ganapathi Rao, who retired as a Cook in the service of Dr.N.R.S. Government Ayurvedic College, Vijayawada. He thereafter died on 01.10.2012. His wife predeceased him on 12.01.2009. The husband of the first respondent-applicant died on 29.03.2001. Being the widowed daughter of the deceased employee, she applied for family pension. However, her request was denied on the ground that she had not acquired the status of a widow after 22.06.2004, being the date on which G.O.(P) No.523, Finance (PEN.I) Department, was issued. It was under this G.O. that the right to seek family pension was bestowed upon widowed daughters in the absence of the widow and other eligible children of the deceased employee. The Tribunal rightly held that merely

because the G.O. was issued on 22.06.2004, it would not have the import of restricting the benefit thereunder to widowed daughters who acquired that status only after the issuance of the G.O. It is on this ground that the Tribunal allowed the O.A. and granted relief to the first respondent-applicant.

Learned Assistant Government Pleader would submit that the family pension payable to the first respondent-applicant is being paid but cause for grievance in this writ petition is with regard to award of interest on the arrears at the rate of 12% per annum.

It may be noted that neither the State of Andhra Pradesh nor the Principal, Dr.N.R.S. Government Ayurvedic College, Vijayawada, the first and second respondents in the O.A., chose to file a writ petition against the order presently under challenge. It appears that only the District Audit Officer, State Audit, Machilipatnam, is aggrieved thereby. We fail to understand as to how the District Audit Officer can claim to be aggrieved when the State itself has no grievance with regard to the direction of the Tribunal to pay interest. Further, as we are told that the family pension payable to the first respondent-applicant is less than Rs.2,000/- per month, we find that the award of interest thereon from 01.10.2012 can hardly be said to be onerous upon the State exchequer. Thus, on counts more than one, the writ petition is liable to be dismissed.

Though the learned Assistant Government Pleader would contend that in earlier cases, this Court reduced the rate of interest from 12% to 9% per annum in the context of delayed payment of pension, he fairly concedes that it was not a case relating to payment of family pension to a widowed daughter. That being a distinguishing circumstance, we find no grounds to reduce the rate of interest in the case on hand.

The writ petition is accordingly dismissed. Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

SANJAY KUMAR, J

M. GANGA RAO, J

Date: 25.10.2018
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