

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.32600 OF 2018

ORDER

This writ petition is filed seeking the following relief:

“to issue a Writ, Order, or Direction more particularly one in the nature of Writ of Mandamus or any other appropriate writ (i) to grant and release the Family Pension with effect from 16.4.1992 with interest till today and to grant and release the pensionary benefits such as gratuity, commutation of pension, encashment of leave and any other service benefits of the petitioner's husband late Sri S.Krishna Murthy with interest as per the compromise decree passed in O.P.No.1034 of 2012, dated 8.10.2015 and declare the action of the respondents is highly arbitrary, illegal, unconstitutional in not granting and releasing the Family Pension and pensionary benefit to the petitioner contrary to the Pension Rules and the law (ii) and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the interest of justice warrant as otherwise the petitioner will suffer with great loss.”

Heard Sri P.Srinivasa Rao, learned counsel appearing for the petitioner, learned Government Pleader for Services-I appearing for respondent Nos.1 to 3, and Sri B.Nalin Kumar, learned Standing Counsel appearing for respondent No.4.

It is the case of the petitioner that the 1st wife of her deceased husband died on 3.4.1991 and they have one child viz., S.Sudheendra, who is mentally unsound. Thereafter, their

marriage took place on 10.2.1992 and while working as Lecturer in Commerce, her husband died on 15.4.1992 leaving behind her. Subsequently, she submitted a representation on 23.5.2018 to the 3rd respondent seeking grant of pensionary benefits. When the pensionary benefits were not granted, she filed O.P.NO.1034 of 2012 before the Judge, Additional Family Court, Hyderabad and the said OP was compromised and decreed on 8.10.2015 in the ratio of 75% to the petitioner and 25% to the said S.Sudheendra, who is son of the deceased 1st wife of her husband. Thereafter, she submitted a representation on 16.11.2015 to the respondents to release the pensionary benefits in terms of the order dated 8.10.2015 passed in O.P.No.1034 of 2012 and another representation dated 23.5.2018. But, so far, no action has been taken thereon.

Learned Standing Counsel appearing for the 4th respondent submits that the proposals of the deceased employee were already forwarded to the competent authority and the matter is pending before the competent authority for sanction and disbursement of pensionary benefits.

Learned Government Pleader appearing for respondents 1 to 3 does not dispute the said fact.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the considered

view that ends of justice would be met if a direction is issued to respondents 1 to 4 to consider the representations dated 16.11.2015 and 23.5.2018 of the petitioner.

Accordingly, the Writ Petition is disposed of directing respondent Nos.1 to 4 to consider the representations dated 16.11.2015 and 23.5.2018 of the petitioner and pass appropriate orders thereon, within a period of four weeks from the date of receipt of a copy of this order. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

26th October, 2018
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