

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.36922 OF 2018

ORDER

With the consent of learned counsel on either side, this writ petition is disposed of at the admission stage.

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 declaring the action of the 3rd respondent in refusing to sanction and release family pension to the petitioner vide his pro.No.Rc.No.Pensions/3556/2018, dt. 18.05.2018 on the ground that the case W.P.No.22967 of 2018 filed by her husband is pending in spite of her giving undertaking to the respondent No.2 and 3 that she will withdraw the W.P.No.22967 of 2017 filed by her husband after ordering of impleadment petition filed by her is ordered by the Hon'ble Court. After sanctioning of family pension in her favour is illegal, arbitrary and violative of Articles 14 and 16 of the Constitution of India and consequently direct the respondents to sanction and release family pension and pensionary benefits to the petitioner with interest from date of death of her husband based on last drawn pay and pass such other order or orders may deem fit and proper in the circumstances of the case.”

Heard Sri J.M.Naidu, learned counsel appearing for the petitioner and learned Government Pleader for Services-II appearing for respondents 1 to 3.

It is the case of the petitioner that her husband was appointed as Watchman in the Social Welfare Residential School for Girls, Narsingi, Ranga Reddy on 10.10.1984. Later, he was promoted as Typist (English), subject to condition that he shall acquire the qualification of Typewriting Higher

Grade within a period of one year vide proceedings dated 17.10.1990. In pursuance of the same, her husband acquired the qualification of Typewriting Higher grade within the stipulated period. While so, the 3rd respondent passed order on 3.7.2017 reverting him back to the post of Watchman. Challenging the same, the petitioner filed W.P.No.22967 of 2017. This Court granted interim order on 12.7.2017 in WPMP No.28293 of 2017. In pursuance of the said interim order, the husband of the petitioner continued as Typist and thereafter, he expired on 26.02.2018. Hence, the petitioner submitted a representation on 25.09.2018 to respondents 2 and 3 to release family pension and pensionary benefits to her. But, so far, no action has been taken thereon.

Learned counsel appearing for the petitioner submits that the respondents have issued proceedings on 18.5.2018 pointing out certain omissions in the representation submitted by the petitioner for grant of family pension and pensionary benefits; that one of the objection raised by the respondents is that W.P.No.22967 of 2017 filed by the husband of the petitioner is still pending; that as long as the said writ petition is pending, they would not consider the case of the petitioner for grant of family pension and pensionary benefits; and that the petitioner has given an undertaking that she will withdraw the said writ petition filed by her husband.

Learned Government Pleader appearing for the respondents submits that the petitioner has not filled up the application seeking pensionary benefits; that the respondents vide order dated 18.5.2018 pointed out certain omissions and that if the petitioner complies with the objections raised by the respondents, the respondents shall consider the case of the petitioner for grant of family pension and pensionary benefits.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the view that the respondents cannot reject the case of the petitioner for grant of family pension and pensionary benefits on the ground of filing of W.P.No.22967 of 2017 by her husband, which is pending.

Therefore, the respondents are directed to consider the representation dated 25.09.2018 of the petitioner for grant of family pension and pensionary benefits within a period of four weeks from the date of receipt of a copy of this order.

Accordingly, the Writ Petition is disposed of. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

