

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.24771 OF 2017

ORDER:

Heard Sri R.K. Suri, counsel for the petitioner, and the Standing Counsel for the respondents.

The petitioner is claiming to be the 1st wife of one Ramagiri Parvathalu, who expired on 05.10.2016, and the respondents have not disbursed the terminal benefits of the deceased employee - Ramagiri Parvathalu in favour of the petitioner on the ground that some other rival claimants are also claiming the retiral benefits of the deceased employee. Challenging the action of the respondents in not releasing the terminal benefits of the deceased employee, the present writ petition is filed.

Standing Counsel appearing for the respondents had contended that whenever there is rival claim for pension and pensionary benefits, it is for the parties to approach the competent civil court and get succession certificate so as to enable the respondents to disburse the pension and pensionary benefits in accordance with the orders passed by the competent civil court. Standing Counsel further submitted that this Court should not normally entertain the rival claim issues, therefore, contended that appropriate orders be passed in the writ petition directing the petitioner to obtain succession certificate in accordance with law.

This Court, having considered the rival submissions of learned counsel for the parties, is of the considered view that this writ petition can be disposed of giving liberty to the petitioner to approach the competent civil court for obtaining succession certificate in accordance with law, and upon such succession certificate issued by the competent civil court, the respondents will accordingly release the pension and pensionary benefits in accordance with law.

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

No costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

29th November, 2019
v v

