

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.4562 OF 2019

Dated : 07.03.2019

Between:

Smt.K.Prabha

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Petitioner

And

The State of Telangana,
Rep., by its Principal Secretary,
Finance (Pension-I) Department,
Secretariat,
Hyderabad and others.

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Respondents



THE HON' BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.4562 of 2019

ORDER:

Heard learned counsel for the petitioner and learned Government Pleaders for Home and Finance.

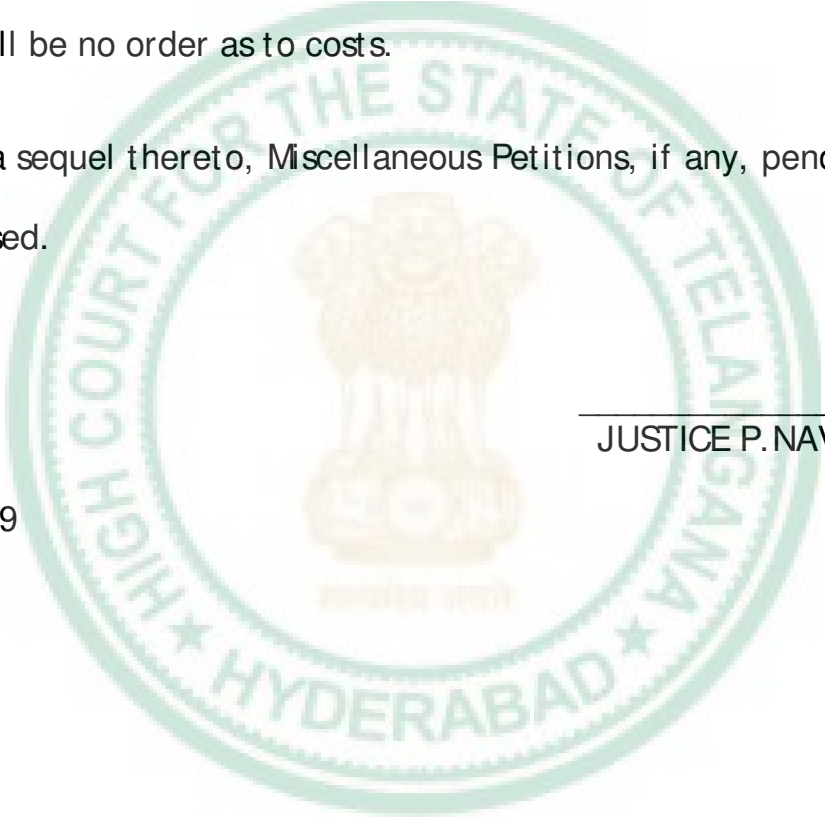
2. The petitioner claims to be the widowed daughter of one G.Narayana Swamy, who was working as Foreman and later died. She also claimed that she has a physical disability. According to the petitioner, there is no other person earning family pension and therefore in terms of Rule 50 of the Andhra Pradesh Pension Rules (for short, 'the Rules'), she is entitled to draw family pension. The claim of the petitioner is reflected by the order impugned i.e., dated 13.02.2019, by referring to the provision in Category-II. But the request of the petitioner was rejected. No reasons are assigned as to why the request is rejected.

3. Petitioner claims that she was fully dependant on the employee in addition to being a widow and suffering from physical disability. It is clear from the self declaration copy enclosed as Ex.P6 that it is made a day after the rejection was issued i.e., 14.02.2019. Rule 50 also requires that there is no other family member who is eligible to draw family pension. Thus, a widowed daughter of an ex-employee is entitled to claim family pension, subject to fulfillment of two conditions: (i) that she was fully dependant on her father's income and (ii) there is no other person claiming family pension.

4. As it appears that there is no such declaration filed, the rejection cannot be faulted with. However, liberty is granted to the petitioner to make fresh application placing before the competent authority with a self declaration on dependence as required and also declaration that no other family member is getting family pension. On filing such application along with declarations, the application be considered afresh not withstanding the earlier rejection.

5. With the above observation, the Writ Petition is disposed of. There shall be no order as to costs.

6. As a sequel thereto, Miscellaneous Petitions, if any, pending, shall stand closed.



JUSTICE P.NAVEEN RAO

07.03.2019
vnb