

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILU

WRIT PETITION No.8369 of 2019

ORDER:

This writ petition is disposed of at the stage of admission with the consent of both the parties.

This writ petition is filed seeking the following relief :-

“.... to issue an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus to declare the inaction of the respondents in releasing the amount pertaining to the deceased Late K.S.Vijay Kumar pursuant to the legal notice dt.17.1.2018 in spite of the personal visits, as illegal, arbitrary and unjust and to grant such other relief or reliefs.....”.

Heard Mr.V.V.S.Satyanarayana, learned counsel for petitioners, learned Standing Counsel for the Central Government and Mr.K.Lakshman, learned Assistant Solicitor General for the 2nd respondent.

It has been contended by the petitioners that they are the legal heirs of the deceased Mr.K.S.Vijay Kumar, who was employed with the 1st respondent. The 1st petitioner is the wife and petitioners 2 and 3 are the children of deceased employee. Mr.K.S.Vijay Kumar had taken voluntary retirement while working with the 1st respondent and later he expired on 06.11.2013. The petitioners are claiming pensionary benefits of the deceased employee. One K.S.Prasanna Kumar, who is the brother of the deceased employee, is also claiming pensionary benefits of the deceased employee as he was nominee in the service record. The petitioners filed O.P.No.43 of 2014 before the Principal Senior Civil Judge, Ranga Reddy District, claiming pensionary benefits of the deceased

employee and the said O.P. was allowed on 20.02.2017. Thereafter, Mr.K.S.Prasanna Kumar, who was the rival claimant, filed C.M.A.No.363 of 2017 before this Court and the same is pending.

Learned counsel appearing for the petitioners contended that the rival claimant namely Mr.K.S.Prasanna Kumar expired on 22.11.2017 and no other person is claiming, as the legal heir of the deceased employee, except the petitioners. Therefore, appropriate orders be passed in the writ petition directing the respondents to release pensionary benefits of the deceased employee in favour of the petitioners.

Learned Standing Counsel for the 1st respondent has contended that the case of the petitioners will be considered and appropriate orders would be passed in accordance with law.

This Court, having considered the rival submissions, is of the considered view that this writ petition can be disposed of directing the petitioners to submit representation before the 1st respondent within two weeks from the date of receipt of a copy of this order. Upon such representation being received, the 1st respondent shall consider and pass appropriate orders within four weeks thereafter.

With the above observations, the writ petition is disposed of. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVIL, J

Date: 22-04-2019
Prv

