

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.15983 of 2019

ORDER:

This writ petition is filed seeking a Writ of Mandamus declaring the action of respondents 1 and 2 in not sanctioning family pension to the petitioner as per the existing Revised Pension Rules, 1980 read with G.O.Ms.No.523, dated 22.06.2004 read with G.O.Ms.No.315, dated 07.10.2010 and G.O.Ms.No.353, dated 04.12.2010, and returning the proposals sent by the 3rd respondent after the clarification of the 4th respondent, as illegal, arbitrary, discriminatory and contrary to the Revised Pension Rules, 1980 read with amendments made from time to time and sought a consequential direction directing respondents 1 and 2 to authorize the family pension to the petitioner as per G.O.Ms.No.315, dated 07.10.2010 r/w. G.O.Ms.No.353, dated 04.12.2010 in view of the clarification made by respondent No.4.

2. Heard both sides.

3. It has been contended by the petitioner that her father was employed as a Head Constable and he has retired from service on attaining the age of superannuation on 31.08.2009, and thereafter, the father of the petitioner was granted pension and he had expired on 02.10.2012. Later on, the mother of the petitioner was granted family pension and she also expired on 22.01.2016. Thereafter, the petitioner, being the widow daughter of the deceased parents, has submitted application for sanction of family pension and the 3rd respondent has

recommended the case of the petitioner to the 2nd respondent vide proceedings dated 01.09.2018, but so far, the said proposal is pending before the 2nd respondent. Counsel for petitioner contend that appropriate orders be passed in the writ petition directing respondents 1 and 2 to consider the proposals submitted by respondent No.3 and pass appropriate orders in accordance with law.

4. The Government Pleader appearing for respondents has contended that respondents 1 and 2 will examine the proposals submitted by respondent No.3 and pass appropriate orders in accordance with law within a reasonable period of time.

5. This Court, having considered the rival submissions made by the parties, is of the considered view that this writ petition can be disposed of directing respondents 1 and 2 to consider the proposals submitted by respondent No.3 on 01.09.2018 and also the clarification issued by respondent No.4 that the petitioner is entitled for grant of family pension, and pass appropriate orders in accordance with law, within a reasonable period of time, preferably within Eight weeks from the date of receipt of a copy of this order.

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

Pending miscellaneous applications, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

19th November, 2019
ajr