

HON' BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No. 38545 OF 2016 AND W.P.(TR) No.5783 of 2017

COMMON ORDER:

1) Both these writ petitions are being disposed of by this common order as the issue raised in these two writ petitions is one and the same.

2) The petitioners in both the writ petitions are claiming as legal heirs of one late Srihari, who was employed with the official respondents, as School Assistant and he has expired on 19.07.2015 while serving as School Assistant. The petitioners in W.P.No.38545 of 2016 are claiming to be the children of the deceased born through the first wife and the petitioners in W.P.(TR) No.5783 of 2017 are claiming that the first petitioner is the legally wedded wife and the second petitioner is the daughter of the deceased employee.

3) To strengthen their arguments, the petitioners have submitted some documents relating to M.C.No.66 of 2002, on the file of Family Court, Warangal and Criminal Appeal No.79 of 2005 on the file of IV Additional District and Sessions Judge, Warangal. Crl.A.No.79 of 2015 was compromised before the Lok Adalath vide orders dated 05.12.2006. The petitioners in both the writ petitions are claiming terminal benefits of the deceased employee claiming to be his legal heirs. In

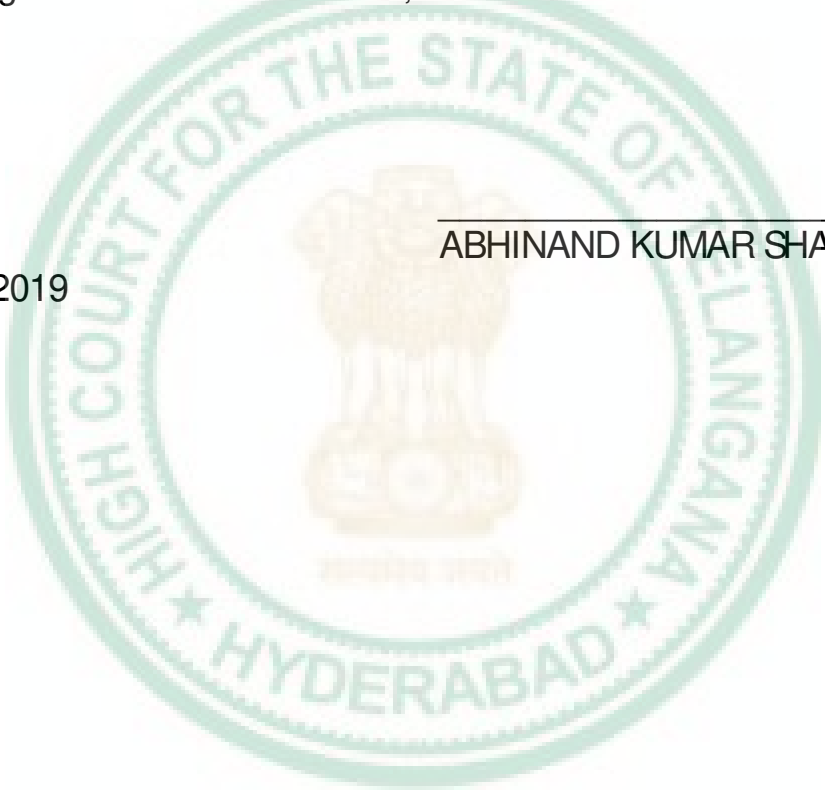
W.P.No.38545 of 2016 this Hon'ble Court was pleased to grant interim direction on 09.11.2016 not to disburse the pensionary benefits. In W.P.(TR) No.5783 of 2017 when the case was initially filed before the Tribunal, the Tribunal vide orders dated 06.04.2016 directed the official respondents not to disburse the death-cum-retirement benefits to respondents 6 to 8 therein ie., petitioners in W.P.No.38545 of 2016. Since the petitioners in both the writ petitions are claiming death-cum-retirement benefits and also compassionate appointment, this Court cannot adjudicate the issue as to whether how much terminal benefits shall be apportioned to both the parties and which of the legal heir is entitled for compassionate appointment. It is for the parties to approach the competent Civil Court and seek succession certificate by filing succession O.P. Therefore, this Court is not inclined to interfere and adjudicate the issue as to whether which of the legal heirs are entitled for the terminal benefits and in what proportion and also which of the legal heir is entitled for compassionate appointment.

4) Accordingly, both the Writ Petitions are dismissed, giving liberty to the petitioners in both the writ petitions to approach the competent Civil Court for Succession Certificate and till the parties get the succession certificate from the competent Civil Court, the official respondents shall not

disburse the death-cum-retirement benefits and no compassionate appointment shall be made. The official respondents shall disburse the death-cum-retirement benefits as well as give compassionate appointment to the petitioners upon producing succession certificate issued by the competent Civil Court.

5) As a sequel thereto, Miscellaneous Petitions, if any, pending in these Writ Petitions, shall stand dismissed.

08.03.2019
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ABHINAND KUMAR SHAVILI, J

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Date: 08.03.2019

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