

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILU

WRIT PETITION No.5927 of 2017

ORDER:

This writ petition is filed seeking the following relief :-

“.... to issue a Writ or order or direction more particularly in the nature of Writ of Mandamus declaring the action of respondents in not considering the case of the petitioner to release full family pension of petitioner's late husband instead of 50% of family pension as illegal, arbitrary, violation of Articles 14 and 16 of constitution of India and consequently direct the respondents to release full family pension to the petitioner with arrears by considering petitioner's last representation dated 18.4.2016”

Heard Mr.K.Venkateshwarlu, the learned counsel for petitioner and the learned Government Pleader for Services-II.

It has been contended by the petitioner that her husband was employed with the respondents and while discharging duties, he expired on 24.09.1999. The petitioner is having step-son and since the step-son of the petitioner is entitled for family pension, the respondents were pleased to grant 50% of the family pension to the petitioner and 50% of the family pension to her step-son. The petitioner submits that her step-son was granted pension when he was minor and he has attained majority during the year 2006 and on attaining the age of majority of her step-son, the respondents have stopped paying 50% of the family pension to her step-son.

Learned counsel appearing for the petitioner submits that as per Rule 50 (5) (B) of the Telangana Revised Pension Rules, 1980, the family pension will not lapse and if one of the recipients of the family pension is not eligible, then it should be paid to the other eligible candidate. Therefore, the action of the respondents in paying only 50% of the family pension to the petitioner is illegal and arbitrary.

The petitioner has submitted a representation to the respondents on 18.04.2016 requesting to grant full family pension from the date her step-son attained the age of majority. But, so far, the respondents have not passed any orders on the said representation nor considered the case of the petitioner for grant of full pension.

Learned counsel appearing for the petitioner submits that appropriate orders be passed in the writ petition directing the respondents to consider the representation submitted by the petitioner on 18.04.2016 and pass appropriate orders in accordance with law.

Learned Government Pleader appearing for the respondents has contended that the case of the petitioner will be considered and appropriate orders would be passed on the representation submitted by the petitioner on 18.04.2016 in accordance with law.

This Court, having considered the rival submissions of the learned counsel for the respective parties, is of the considered view that this writ petition can be disposed of directing the respondents to consider the representation submitted by the petitioner on 18.04.2016 and pass appropriate orders in accordance with law within a period of eight weeks from the date of receipt of a copy of this order.

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: 31-07-2019
Prv

