

HIGH COURT FOR THE STATE OF TELANGANA
THE HON'BLE THE CHIEF JUSTICE SRI RAGHVENDRA SINGH CHAUHAN
AND
THE HON'BLE SRI JUSTICE A. ABHISHEK REDDY
WRIT PETITION No.3329 of 2020

28.02.2020

Between:

Union of India and others

... Petitioners

and

E. Anuradha

...Respondent

Counsel for the petitioners : Mr. Namavarapu Rajeshwar Rao,
Assistant Solicitor General

Counsel for the respondents: --

The Court made the following:



ORDER: (Per the Hon'ble the Chief Justice Sri Raghvendra Singh Chauhan)

The Union of India and others have challenged the legality of the order, dated 02.07.2019, passed by the learned Central Administrative Tribunal, Hyderabad Bench, whereby the learned Tribunal has allowed the O.A.No.235 of 2018 filed by the respondent, E. Anuradha, and directed the petitioners to grant family pension to the respondent from the date of the death of her mother, who was an employee of the petitioners, as well as to pay the arrears of pension with interest, at the prevailing GPF rate of interest, commencing from the date of death of the ex-employee till the date of payment.

Briefly stated, the facts of the case are that the respondent, Ms. E. Anuradha, was the daughter of E. Lakshmi, who was serving as a Group-D employee in the office of the Commanding Officer, Navigation Training School, Air Force Station, Secunderabad, the petitioner No.4. Her mother had worked with the said office from 16.02.1990 till her death on 10.02.2013. During the course of her service, on 05.07.1993, she performed the marriage of her daughter, the respondent. However, due to the mental and physical cruelty meted out to the respondent, and saddled with a child, she had left her matrimonial home and had come back to her parental home in 2001. Ever since 2001, she was dependant on the meagre salary earned by her mother. During this period, she had even lost her father, who was a Combatant Member of Indian Air Force. Thus, the respondent was physically, emotionally, financially and socially dependent only on her mother. Unfortunately, her mother also died in harness on 10.02.2013. Thus, the respondent has nothing else to face, except a bleak future, as she had no one from her parental or matrimonial side to protect her. Therefore, she filed a representation

seeking family pension. However, by order dated 17.02.2016, issued by the Director, Joint CDA(AF), the petitioner No.3, her representation was rejected. Therefore, the respondent filed the O.A before the learned Tribunal, as mentioned hereinabove. By order dated 02.07.2019, the learned Tribunal has allowed the O.A, and has issued the aforementioned directions to the petitioners.

Mr. Namavarapu Rajeshwar Rao, the learned Assistant Solicitor General, submits that the respondent was divorced from her husband only after the death of her mother. Therefore, the respondent is not entitled to the family pension.

Heard the learned counsel and perused the impugned order.

A bare perusal of the impugned order clearly reveals that the same contention was raised by the petitioners before the learned Tribunal. The learned Tribunal, having noticed the fact that the respondent had already left her matrimonial home in the year 2001, due to the cruelty meted out to her by her husband, and from 2001 till the death of her mother, she was absolutely dependant on her mother's income, has negated the said contention.

Furthermore, the learned Tribunal has noticed paragraph 5 of the Office Memorandum dated 28.04.2011, which was in favour of the respondent. But, despite the existence of the said Office Memorandum, the petitioner No.3 had rejected the respondent's representation by the impugned order. It is in these circumstances that the learned Tribunal is legally justified in allowing the O.A, and issuing the necessary directions to the petitioners. Therefore, this Court does not find any illegality or perversity in the impugned order.

It is rather surprising that the Union of India, the petitioner No.1, has decided to challenge the impugned order, an order which is well considered and well drafted, an order which is based on the

Office Memorandum issued by the Government itself, after considering the legal positions, which are settled positions of law. Moreover, it is shocking that a woman, who has faced hardship during her matrimonial life and continues to face a life of hardship, as having lost both her parents and having to bring up a small child, is now being forced to appear before this Court by filing a highly frivolous writ petition before this Court. Needless to say, the Union of India is, in fact, expected to be sensitive to the difficulties being faced by the citizens, rather involving them in frivolous litigation.

Therefore, this Court, while dismissing this writ petition, imposes a cost of Rs.20,000/- (Rupees Twenty Thousand Only) upon the Union of India, the petitioner No.1, to be paid to the respondent, within a period of two weeks from today.

The miscellaneous petitions pending, if any, shall stand closed.

RAGHVENDRA SINGH CHAUHAN, CJ

A. ABHISHEK REDDY, J

28th February, 2020
JSU

High Court for the State of Telangana**THE HON'BLE THE CHIEF JUSTICE SRI RAGHVENDRA SINGH CHAUHAN****AND****THE HON'BLE SRI JUSTICE A. ABHISHEK REDDY****WRIT PETITION No.3329 of 2020****(Per the Hon'ble the Chief Justice Sri Raghvendra Singh Chauhan)****Date: 28.02.2020****JSU**