

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
(Special Original Jurisdiction)

WEDNESDAY, THE THIRTIETH DAY OF MARCH
TWO THOUSAND AND TWENTY TWO

PRESENT

THE HONOURABLE SRI JUSTICE B.VIJAYSEN REDDY

WRIT PETITION NO: 25231 OF 2021

Between:

1. Mohd. Abdul Nayeem, S/o. Md. Abdul Azeem (Late), Aged 36 Years, Un-employee, R/o. Plot No. 123, Shivarampally Jagir, Rajendra Nagar (Mdl), Ranga Reddy District.
2. Juveria Fatima, D/o. Md. Abdul Azeem (Late), Aged 31 Years, Occ. Home Maker, R/o. Plot No. 123, Shivarampally Jagir, Rajendra Nagar (Mdl), Ranga Reddy District.
3. Md. Abdul Shoeb Akram, S/o. Md. Abdul Azeem (Late), Aged 27 Years, Un-employee, R/o. Plot No. 123, Shivarampally Jagir, Rajendra Nagar (Mdl), Ranga Reddy District.

...PETITIONERS

AND

1. The Tahsildar, Rajender Nagar, Ranga Reddy District.
2. The Revenue Divisional Officer, Ranga Reddy District.
3. The District Collector, Ranga Reddy District.
4. The District Medical and Health Officer, Vikarabad District.
5. The Director of Public Health and Family Welfare, Telangana State, Hyderabad.
6. Shaheeda Begum, R/o. H.No. 22-8-347, Purani Haveli, Charminar - 500002.
7. K. Chandra Shekar Goud, Working as Tahsildar, Rajender Nagar, Ranga Reddy District.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus, to declare the action of the 1st respondent in issuing the Family Member Certificate dated 09.09.2021, in favour of the 6th respondent, approving her Application No. FAMCO22100926374 dated 07.09.2021 and contrary rejecting the application of the petitioners dated 11.08.2021, for grant of Family Member Certificate vide communication dated 09.09.2021 as illegal, arbitrary, discriminatory and violative of Articles 14 and 16 of the Constitution of India and consequently, direct the respondents to cancel the Family Member Certificate dated 09.09.2021 issued by the 1st respondent, in favour of 6th respondent and direct the respondent to issue Family Member Certificate to the petitioners, forthwith, after causing necessary enquiry, by following due process of Law and further fix the personal responsibility and accountability on 7th respondent for his illegal acts.

IA NO: 1 OF 2021

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondents, to not to release any of the death benefits of the petitioners deceased father, to the 6th respondent based on the Family Member Certificate dated 09.09.2021, issued by the 1st respondent.

IA NO: 2 OF 2021

Between:

Shaheeda Begum, R/o. H.No. 22-8-347, Purani Haveli, Charminar - 500002.

...Petitioner/6th Respondent

AND

- 1 Mohd. Abdul Nayeem, S/o. Md. Abdul Azeem (Late), Aged 36 Years, Un-employee, R/o. Plot No. 123, Shivarampally Jagir, Rajendra Nagar (Mdl), Ranga Reddy District.
- 2 Juveria Fatima, D/o. Md. Abdul Azeem (Late), Aged 31 Years, Occ. Home Maker, R/o. Plot No. 123, Shivarampally Jagir, Rajendra Nagar (Mdl), Ranga Reddy District.
- 3 Md. Abdul Shoeb Akram, S/o. Md. Abdul Azeem (Late), Aged 27 Years, Un-employee, R/o. Plot No. 123, Shivarampally Jagir, Rajendra Nagar (Mdl), Ranga Reddy District.

...Respondents/Petitioners

- 4 The Tahsildar, Rajender Nagar, Ranga Reddy District.
- 5 The Revenue Divisional Officer, Ranga Reddy District.
- 6 The District Collector, Ranga Reddy District.
- 7 The District Medical and Health Officer, Vikarabad District.
- 8 The Director of Public Health and Family Welfare, Telangana State, Hyderabad.
- 9 K. Chandra Shekar Goud, Working as Tahsildar, Rajender Nagar, Ranga Reddy District.

...Respondents/Respondents

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to vacate the interim Order in W.P.No.25231/2021 dated 05.10.2021.

Counsel for the Petitioners: SRI. POODATTU AMARENDER

Counsel for the Respondent Nos.1 to 3: GP FOR REVENUE

**Counsel for the Respondent Nos.4 & 5:
GP FOR MEDICAL HEALTH & FAMILY WELFARE**

Counsel for the Respondent No.6: SRI KOKA SATYANARAYANA RAO

Counsel for the Respondent No.7: NONE APPEARED

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE B. VIJAYSEN REDDY

WRIT PETITION No.25231 of 2021

ORDER:

This writ petition is filed to declare the action of the 1st respondent in issuing the Family Member Certificate, dated 09.09.2021, in favour of respondent No.6 approving her application *vide* application No.FAMC022100926374 dated 07/09.2021 and rejecting the application of the petitioners dated 11.08.2021.

2. The parties i.e., petitioner Nos.1 to 3 and respondent No.6, as well as their counsel are present and the parties are identified by their respective counsel.

3. Since the parties have appeared-in-person before this Court, it is not necessary to detail out all facts narrated in the writ affidavit.

4. It is reported by Sri P. Amarender, learned counsel for the petitioners, and Sri Koka Satyanarayana Rao, learned counsel for respondent No. 6, that the parties have settled the matter out of Court and came to an understanding. A joint memorandum of

compromise dated 30.03.2022 is filed duly signed by all the concerned parties and the counsels.

5. By virtue of the joint compromise memo dated 30.03.2022, petitioner Nos.1 to 3 and respondent No.6 have agreed to receive the service benefits of the deceased Mohammed Abdul Azeem in proportion to their shares as per law. It is further agreed by the parties that petitioner No.3 alone would be entitled for compassionate appointment and respondent No.6 alone would be entitled for family pension.

6. In view of the above settlement, respondent Nos.3 and 4 are directed to consider the application of petitioner No.3 seeking compassionate appointment on account of the death of Mohammed Abdul Azeem during the course of employment. Respondent Nos.3 and 4 are further directed to distribute the service benefits of the deceased Mohammed Abdul Azeem amongst petitioner Nos.1 to 3 and respondent No.6, as per law, and the same shall be credited to their bank accounts furnished as under:

Name	Account No.	Bank & Branch	IFSC Code	Mobile No.
Mohd. Abdul Nayeem (Petitioner No.1)	10079449177	IDFC Bank, Somajiguda Branch.	IDFB0080204	7093184284

Javeria Fatima (Petitioner No.2)	10078919009	IDFC Bank, Somajiguda Branch.	IDFB0080204	7207186121
Mohd. Abdul Shoeib Akram (Petitioner No.3)	10079449166	IDFC Bank, Somajiguda Branch.	IDFB0080204	7893962587
Smt. Shaheda Begum (Respondent No.6)	52078469089	State Bank of India, City Civil Court Branch 20930	SBIN 0020073 MICR5000002310	9703608339

Further, the arrears of family pension and future amounts under family pension shall be remitted to the above furnished bank account of respondent No.6.

7. Accordingly, the writ petition is disposed of. The memo of compromise dated 30.03.2022 shall be made part of this order. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

SD/-K.ONESIM
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Tahsildar, Rajender Nagar, Ranga Reddy District.
2. The Revenue Divisional Officer, Ranga Reddy District.
3. The District Collector, Ranga Reddy District.
4. The District Medical and Health Officer, Vikarabad District.
5. The Director of Public Health and Family Welfare, Telangana State, Hyderabad.
6. One CC to Sri Poodattu Amarender, Advocate [OPUC]
7. Two CCs to GP for Revenue, High Court for the State of Telangana at Hyderabad. [OUT]
8. Two CD Copies
9. One Spare Copy

CHR
BS

HIGH COURT

DATED:30/03/2022

ORDER

W.P.No.25231 of 2021



**DISPOSING OF THE WRIT PETITION
WITHOUT COSTS**

⑪ VLV
13/5/22