

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**WEDNESDAY, THE THIRTIETH DAY OF AUGUST
TWO THOUSAND AND TWENTY THREE**

PRESENT

**THE HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI
AND**

THE HONOURABLE SRI JUSTICE ANIL KUMAR JUKANTI

WRIT APPEAL NO: 784 OF 2023

Writ Appeal under clause 15 of the Letters Patent Preferred Against Order Dated 27/04/2022 in WP.No.8214 of 2004 on the file of the High Court.

Between:

The Divisional Engineer, Electrical operations, city-111, Central Power Distribution Company of A.P., Ltd, Salarjung S.S., Hyderabad - 500 002.

.....APPELLANTS/RESPONDENTS

AND

MR. G. Seenaiiah, S/o. Late Sattaiah, aged 26 years, Occ ;Un-Employed, R/o.1 3-4-239/5, Subji Mandi, Kamela Road, Hyderabad.

...RESPONDENT/WRIT PETITIONER

I.A.NO:2 OF 2023

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 suspend the operations of the orders dated 27/04/2022 in WP. No. 8214 of 2003 pending the writ appeal.

Counsel for Appellant : SRI R.VINOD REDDY (SC FOR TSTRANSCO)

Counsel for Respondents : SRI BALAJI MEDAMALLI

The Court made the following Judgment :-

**THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI
AND**

THE HON'BLE SRI JUSTICE ANIL KUMAR JUKANTI

WRIT APPEAL No.784 OF 2023

JUDGMENT: (Per AKS,J)

This Writ Appeal is filed aggrieved by the order, dated 27.04.2022, passed in W.P.No.8214 of 2004 by a learned Single Judge of this Court.

2. Heard Sri R. Vinod Reddy, learned Standing Counsel for TS TRANSCO, appearing for the appellant and Sri M. Balaji, learned counsel for the respondent.

3. Learned Standing Counsel appearing for the appellant had contended that father of the respondent is an employee of the appellant and he retired from service on 31.03.1996. The father of the respondent expired on 14.04.1999 leaving behind the respondent and other family members. The respondent has claimed family pension in terms of Rule 50 of the Revised Pension Rules, 1980 (for short, 'the Rules') on the ground that he is aged about 21 years and he is entitled to be paid family pension till he attains the age of 25 years. The appellant, having examined the case of the respondent, rejected the same *vide* proceedings, dated 29.06.2002, on the ground that he is already employed and therefore, he is not eligible for family pension. Aggrieved by the

action of the appellant in not paying family pension, the respondent has approached this Court by filing the subject W.P.No.8214 of 2004 and a learned Single Judge of this Court, *vide* impugned order, dated 27.04.2022, was pleased to direct the appellant to pay family pension to the respondent till he attains the age of 25 years, irrespective of whether the respondent is employed or not, without appreciating any of the contentions raised by the appellant. Therefore, appropriate orders be passed in the Writ Appeal by setting aside the impugned order and allow the Writ Appeal.

4. On the other hand, learned counsel for the respondent had contended that Rule 50(5) of the Rules was amended *vide* G.O.Ms.No.289, dated 12.08.1994, whereby the earlier Rule, wherein it is stated that the sons are entitled to family pension till they attain the age of 25 years or starts earning his livelihood, was amended by deleting the words 'starts earning his livelihood'. Further, the amended Rule makes it clear that the sons would be entitled to family pension till they attain the age of 25 years, irrespective of whether they are employed or not and therefore, the learned Single Judge has rightly directed the appellant to pay family pension to the respondent till he attains the age of 25 years. The learned Single Judge has directed the appellant to pay

family pension to the respondent in view of the amendment made to Rule 50(5) of the Rules. Therefore, there are no merits in the Writ Appeal and the same is liable to be dismissed.

5. This Court, having considered the rival submissions made by the learned counsel for the parties, is of the view that the learned Single Judge was justified in allowing the subject Writ Petition in favour of the respondent, as Rule 50(5) of the Rules was amended *vide* G.O.Ms.No.289, dated 12.08.1994, as per which, the respondent is entitled to be paid family pension till he attains the age of 25 years. Therefore, this Court is not inclined to interfere with the impugned order, dated 27.04.2022, passed by the learned Single Judge of this Court.

6. Accordingly, the Writ Appeal is dismissed. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this Writ Appeal, shall stand closed.

//TRUE COPY//

SD/- K. SAILESHI
DEPUTY REGISTRAR
GJB
SECTION OFFICER

To

1. One CC to Sri R.Vinod Reddy (SC FOR TSTRANSCO) (OPUC)
2. One CC to Sri Balaji Medamalli, Advocate [OPUC]
3. Two CD Copies

SA
GJP

CHR

HIGH COURT

DATED:30/08/2023

JUDGMENT

WA.No.784 of 2023



**DISMISSING THE W.A
WITHOUT COSTS.**

⑤
CHK
16/10/23