

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

**FRIDAY, THE TWENTY NINTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY THREE**

PRESENT

- THE HONOURABLE SRI JUSTICE PULLA KARTHIK

WRIT PETITION NO: 32712 OF 2023

Between:

1. Smt. Farzana Asra, W/o. Late Syed Shamsuddin, aged 69 years, Occ ; household, R/o.H.No.17-2-470/A, Kurmaguda, Saidabad, Hyderabad.
2. Syeda Amina Anjum, D/o. Late Syed Shamsuddin, aged 42 years, Occ ; household, R/o.H.No.17-2-470/A, Kurmaguda, Saidabad, Hyderabad.
3. Syeda Faiz Unnisa, D/o. Late Syed Shamsuddin, aged 37 years, Occ ; household, R/o. H No. 17-2-470/A, Kurmaguda, Saidabad, Hyderabad.

.....PETITIONERS

AND

1. The State of Telangana, rep by its Prl. Secretary, Home (OP) Department, Secretariat, Hyderabad.
2. The Assistant Pension Payment Officer, Narayanguda, Near Pochamma Temple Gemini Colony, Musheerabad, Hyderabad 500 044.

.....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 Mandamus, declaring the action of the respondents in not granting the pensioner benefits of husband of the 1st petitioner and father of the petitioners 2 and 3 namely Late Syed Shamsuddin without considering the Judgment dated 27/09/2023 passed in O.S.No. 710 of 2023 on the file of court of the XIX Junior Civil Judge, City Civil Court, Hyderabad and also the representation dated 27/10/2023 of the petitioners is illegal, arbitrary and against the principles of natural justice and also violative of Articles 14, 19, 21 and 300-A of Constitution

of India and consequently direct the 1st respondent to direct the 2nd respondent to issue pensionary benefits to the petitioners in the interest of justice.

I.A.NO:1 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 direct the 1st respondent to direct the 2nd respondent to issue pensionary benefits to the petitioners in connection with the benefits of Late Syed Shamsuddin by considering the representation dated 27/10/2023 who were declared as legal heirs as the Judgment and Decree dated 27/09/2023 passed in O.S.No.710 of 2023 on the file of court of the XIX Junior Civil Judge, City Civil Court, Hyderabad, pending disposal of the above main writ petition.

Counsel for the Petitioners : SRI DINESH JAISWAL

Counsel for the Respondent No.1 : G.P FOR HOME

Counsel for the Respondent No.2 : GP FOR SERVICES - I

The Court made the following ORDER

THE HON'BLE SRI JUSTICE PULLA KARTHIK

WRIT PETITION No.32712 of 2023

O R D E R:

This Writ Petition is filed seeking the following relief:

"...to issue a Writ, Order or direction more particularly one in the nature of Mandamus, declaring the action of the respondents in not granting the pensioner benefits of husband of the 1st petitioner and father of the petitioners No.2 and 3 namely Late Syed Shamsuddin without considering the Judgment dated 27.09.2023 passed in O.S.No.710 of 2023 on the file of court of the XIX Junior Civil Judge, City Civil Court, Hyderabad and also the representation, dated 27.10.2023 of the petitioners is illegal, arbitrary and against the principles of natural justice and also violative of Articles 14, 19, 21 and 300-A of Constitution of India and consequently direct the 1st respondent to direct the 2nd respondent to issue pensionary benefits to the petitioners in the interest of justice and to pass..."

2. Heard Sri Dinesh Jaiswal, learned counsel appearing on behalf of the petitioners, learned Government Pleader for Home appearing on behalf of respondent No.1 and learned Government Pleader for Services - I appearing on behalf of respondent No.2.

3. Learned counsel for the petitioners submits that the petitioners are wife and children of late Syed Shamsuddin, who worked as a Section Officer in Home Department and

died on 06.06.2020. After the death of the husband of petitioner No.1, she along with her children approached the Tahsildar/Mandal Revenue Officer, Saidabad Mandal for issuance of legal heir certificate as the deceased was the head of the family. But, the Tahsildar refused the same and advised the petitioners to approach the trial Court. Therefore, the petitioners filed O.S.No.710 of 2023 on the file of learned XIX Junior Civil Judge, City Civil Court, Hyderabad, seeking to declare them as legal heirs of late Syed Shamsuddin. Subsequently, the trial Court *vide* judgment, dated 27.09.2023, declared the petitioners as legal heirs of the deceased-late Syed Shamsuddin. Learned counsel further submits that the petitioners made a representation, dated 27.10.2023 before respondent No.1, by enclosing the judgment, dated 27.09.2023 and requested to disburse the pensionary benefits of the deceased. But the said representation is still pending for consideration. Therefore, learned counsel prayed this Court to direct the respondents to consider the representation made by the petitioners, dated 27.10.2023 and pass appropriate orders.

4. Learned Government Pleader for Home submits that respondents will consider the representation made by the petitioners, dated 27.10.2023 and pass appropriate orders in accordance with law.

5. In view of the submission made by respective parties and without expressing any opinion on merits, this Writ Petition is disposed of with a direction to respondents to consider the representation of the petitioners, dated 27.10.2023 in the light of the judgment, dated 27.09.2023 passed in O.S.No.710 of 2023 by the learned XIX Junior Civil Judge, City Civil Court, Hyderabad and pass appropriate orders, in accordance with law, within a period of six (06) weeks from the date of receipt of a copy of this order and communicate a copy thereof to the petitioners. There shall be no order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

//TRUE COPY//

SD/- K. AMMAJI
ASSISTANT REGISTRAR

SECTION OFFICER

To

1. The Principal Secretary, Home (OP) Department, Secretariat, State of Telangana at Hyderabad.
2. The Assistant Pension Payment Officer, Narayanguda, Near Pochamma Temple Gemini Colony, Musheerabad, Hyderabad 500 044.
3. Two CCs to GP For Services-I, High Court for the State of Telangana at Hyderabad. [OUT]
4. Two CCs to GP For Home, High Court for the State of Telangana at Hyderabad. [OUT]
5. One CC to Sri Dinesh Jaiswal, Advocate [OPUC]
6. Two CD Copies

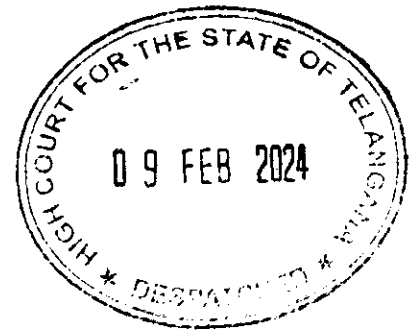
SA
GJP

HIGH COURT

DATED:29/12/2023

ORDER

WP.No.32712 of 2023



DISPOSING OF THE W.P

WITHOUT COSTS.

⑩ Copies
GPR
MBC
BT2