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APHC010137642025

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)

MONDAY, THE 2nd DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY

WRIT PETITION NO: 7617 OF 2025

Between:

1. SALI SANTHOSHAM, W/o Late Sail Gopala Rao, D.No. 12-7-4, Gowthami Nagar, Kovur Mandal, East Godavari District, Andhra Pradesh - 534350.

...Petitioner

AND

1. THE STATE OF ANDHRA PRADESH, Represented by its Principal Secretary(Prisons And Fire Service), Home Department, AP Secretariat, Amaravati, Andhra Pradesh.

2. The Director General of Fire Service, Office of The Director General, State Disaster Response and Fire Services Department, Near Police Control Room Governorpet, Andhra Pradesh, Vijayawada.

3. The Regional Fire Officer, Eastern Region, Vijayawada.

4. The District Fire Officer, West Godavari District, Eluru.

5. The Station Fire Officer, AP Fire Disaster Management, Chintalapudi, Eluru Dist.

6. The Accountant General, Indian Audit Accounts Department, Office of the Account General (AE), Amaravati, Andhra Pradesh.

7. Sub Treasury Officer, Eluru

...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 an appropriate writ, order, or direction in the nature of mandamus, declaring the action of the respondents in not considering the family pension papers of the petitioner as arbitrary, illegal, and violate of the petitioners fundamental rights under Articles 14, 19, and 21 of the Constitution of India, and consequently direct Respondent Nos.2 to 4 to release the family pension and other pensionary benefits to the petitioner, with effect from the date of death of Late Sali Gopala Rao (01.01.2024), along with interest at the applicable rate, and to pass such other orders.

IA NO: 1 OF 2025

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 consider the representations made by the petitioner for processing the family pension papers without any further delay and to release the arrears of pension within a stipulated time frame, and to pass such other orders.

Counsel for the Petitioner: KARTHIKSIDDARTHA SALADI

Counsel for the Respondents: GP FOR SERVICES I

The Court made the following order:

Whether the order is :

Speaking Yes/No / Reasoned Yes/No
Reportable Yes/No / Non-Reportable Yes/No

THE HON'BLE SRI JUSTICE NYAPATHY VIJAY

WRIT PETITION No.7617 of 2025

ORDER:

1. The present Writ Petition is filed questioning the action of Respondents in not considering the Petitioner for grant of family pension, as illegal and arbitrary.

2. The Petitioner is wife of Late Sali Gopala Rao (hereinafter referred to as 'deceased'). The deceased served as a Station Fire Officer in the Andhra Pradesh State Disaster Response and Fire Services Department and had retired from service on 30.04.2020. In the course of time, the deceased passed away on 01.01.2024. The Petitioner was married to the deceased in the year 1979 in his native village Tirugudu Mattalu and they were blessed with three children i.e., two daughters and a son. The daughters were married and living separately and son by name Sali Harshakumar is aged about 25 years.

3. It is stated that there were disputes between the deceased and the Petitioner and they had been living separately. As regards the maintenance to be paid to the Petitioner by the deceased, the issue was referred to Lok Adalat, Eluru, whereunder the deceased agreed to pay an amount of Rs.4,000/- towards

monthly maintenance and the same was agreed by the Petitioner. After the retirement, the deceased had taken the pension benefits in entirety. After the death of the deceased, the Petitioner gave application for grant of family pension in terms of Rule 50(iv) of A.P. Revised Pension Rules, 1980. As the same was not being considered, the present Writ Petition is filed.

3. In the Counter-Affidavit filed by Respondent No.3 the only defence taken is that the deceased had not mentioned the name of the Petitioner in the pension proposals as there were disputes between the deceased and the Petitioner and it is stated that on this ground the pension proposals were returned.

4. Heard the counsels.

5. There is no dispute about the status of the Petitioner as wife of the deceased Sali Gopala Rao. In the pension form, the names of the children were mentioned and photograph of the Petitioner was also affixed therein. As there were disputes between the Petitioner and the deceased, the issue regarding monthly maintenance was referred to Lok Adalat, Eluru vide L.A.No.436 of 2015 under Section 21 of The Legal Services Authority Act, 1987, in which an Award was passed on 11.04.2015, wherein the deceased agreed to pay an

amount of Rs.4,000/- towards monthly maintenance. The operative portion of the Award is extracted below:

> *"1. Both parties agreed to compromise the matter before the Lok Adalat.*
>
> *2. The petitioner agreed to pay an amount of Rs.4,000/- (Rupees Four Thousand only) towards monthly maintenance and the same agreed by the petitioner.*
>
> *3. The respondent further agreed to pay the settled amount of Rs.4,000/- by 7th day of every month by depositing in the petitioner account i.e., 20248617794 of SBI, Kovvur.*
>
> *4. Both parties agreed that if the respondent fails to pay the said settled amount the petitioner can approach court of law, for execution of award.*
>
> *5. Accordingly award is passed."*

6. Apart from the above, the deceased also filed W.P.No.18612 of 2020 before this Court to release retirement benefits without signature of Petitioner. In the pleadings in support of the said Writ Petition, the Petitioner was admitted to be the wife. In the light of the above, the mere fact that the deceased did not mention the name of the Petitioner in the pension form cannot be a ground to deny family pension to the Petitioner as the family pension is the exclusive right of the Petitioner being the 'wife'/widow and the

deceased had no control over the same. The grant of family pension is governed by Rule 50(v) of A.P. Revised Pension Rules, 1980 and the right to receive stands crystallized on the death of Government employee.

7. Considering the submissions, the Writ Petition is disposed of, with the following directions:

i) The Respondents shall process the family pension of the Petitioner, as expeditiously as possible, preferably within a period of three (3) months from the date of entitlement i.e., the date of death of the deceased i.e., 01.01.2024.

ii) No order as to costs.

As a sequel, pending applications, if any, shall stand closed.

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NYAPATHY VIJAY, J

Date: 02.11.2026

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THE HON'BLE SRI JUSTICE NYAPATHY VIJAY

WRIT PETITION No.7617 of 2025

Date: 02.11.2026

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