APHC010137702024

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

TUESDAY, THE 3rd DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE BALAJI MEDAMALLI

WRIT PETITION NO: 7314 OF 2024

Between:

1. Nimmakayala Padmavathi,, D/o Thulasi Ram, aged 62 years, Hindu, Resident of Door No. 1-20, Near Veterinary Hospital, Unguturu Mandal and Village, West Godavri District.

...Petitioner

AND

1. The Union of India, Rep. by it's The commissioner Central Tax, Guntur Commissionerate GST Bhavan, CR Buildings, Kannavarithota Guntur, Andhra Pradesh.

2. The Head Office, Central Excise Division, P4C8 plus CV2, Yetigattu Road, Power Pet, Eluru, West Godavri District, AP

3. The Deputy/ Assistant Commissioner of Central Excise, Central GST Division, 23-13A, 2nd and 3rd Fioor, Yerrapragadavari Street, Ashok Nagar, Eluru.

4. The pay and accounts officer, Central Board of Excise and customs. Central Revenue Building, Kannavarithot, Guntur, Andhra Pradesh.

...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 topleased to issue any writ or order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents more particularly respondent No. 3 in rejecting my application for sanctioning of family pension of my deceased father, who retired as Superintendent of Central Excise Department and who died on 23.10.2014, is highly illegal and arbitrary and violation of Article 14, 21 of Constitution of India and consequently direct the respondents to consider the application of petitioner for family pension (who is 90percent physically disabled and unmarried/dependent) in the interests of justice and pass

IA NO: 1 OF 2024

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 pleased to direct the respondents to consider application of petitioner for family pension (who is 90% physically disabled and unmarried/dependent) and pass

Counsel for the Petitioner: ELURU SESHA MAHESH BABU

Counsel for the Respondents: Pasala Ponna Rao (Sc For Cent Govt.)

Santhi Chandra
(Jr. Standing Counsel for CBIC)

THE HONOURABLE SRI JUSTICE BALAJI MEDAMALLI

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The Court made the following Order:

The Writ Petition is filed for the following relief:

"…to issue any writ or order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents more particularly respondent No. 3 in rejecting my application for sanctioning of family pension of my deceased father, who retired as Superintendent of Central Excise Department and who died on 23.10.2014, is highly illegal and arbitrary and violation of Article 14, 21 of Constitution of India and consequently direct the respondents to consider the application of petitioner for family pension (who is 90% physically disabled and unmarried/dependent) in the interests of justice and pass such further or other orders…"

2. The case of the petitioner is that, the petitioner is the unmarried daughter of late N. Thulasi Ram, who retired as Superintendent of the Central Excise Department on 31.05.1982. After death of her father on 23.10.2014, petitioner's mother received family pension until her demise on 26.09.2020. The petitioner, who suffers from 90% permanent physical disability due to Post-Polio Residual Paralysis of both lower limbs, submitted a representation dated 25.02.2022 to the office of respondent No.2, seeking sanction of family pension as a dependent daughter. However, the respondents rejected her

application on 21.03.2022 on the ground that her name was not mentioned in the family details furnished by her father and mother.

Aggrieved thereby, the petitioner approached the “Chief Commissioner for Persons with Disabilities”, wherein the said Court in Case No.12895/1023/2021 on 05.04.2022 observed as under:

> “Respondent submits that that Complainant’s request can only be considered by the Pension Sanctioning Authority. Complaint has been informed to approach the Pension Sanctioning Authority but has not approached yet. This Court recommends that the Respondent shall forward copy of this Order to Pension Sanctioning Authority so that the Authority can decide the issue in accordance with the government rules and guidelines.”

Despite the order of “Court of Chief Commissioner for Persons with Disabilities (Divyangjan), respondents rejected her claim for sanction of family pension. Hence, the present Writ Petition is filed challenging the rejection order.

3. Learned counsel appearing on behalf of C.B.I.C/respondent Nos.2 to 4, while drawing the attention of this Court to the counter-affidavit, submits that the petitioner's name was not mentioned in Form-3 (details of family) and Form-7 (Form for assessing pension and gratuity) submitted by her deceased father at the time of his retirement, nor her relationship was disclosed by her

mother while receiving family pension. Upon considering the representations made by the petitioner on 23.01.2021, 12.04.2021, 03.09.2021 and 25.02.2022 addressed to respondent Nos.3 and 4 seeking sanction of family pension, respondent No.3 vide letters dated 13.10.2021 and 21.03.2022 rejected her request based on the declaration given by deceased father and sought to submit legal heir certificate and other supporting documents to establish her relationship with the deceased employee.

Learned counsel further submits that the disability certificate issued by the competent authority has no relevancy to prove her relationship and medical certificate is not a manifest to prove the inability of petitioner to earn her livelihood. However, upon subsequent verification of the service records, the respondents noticed that the petitioner's father had declared her as his daughter through a letter/declaration dated 02.06.1965.

Taking into consideration the Family Member Certificate dated 22.11.2021 issued by Tahsildhar, Unguturu Mandal, the declaration dated 02.06.1975, the order of the Chief Commissioner for Persons with Disabilities dated 05.04.2022 and the relevant DOPT Office Memorandas dated 22.06.2010 and 26.10.2022, respondent No.3 satisfied that the petitioner was the unmarried disabled daughter of the deceased employee and eligible for family pension.

Accordingly, respondent No.3 issued a letter dated 07.06.2024 requesting the petitioner to submit the required documents for processing her family pension.

4. Heard Sri. Pathi Siva Prasad, learned counsel for the petitioner and Ms. Reddy Pavani, learned counsel representing Ms. Santhi Chandra, learned Standing Counsel for C.B.I.C./respondent Nos.2 to 4.

5. Perused the material on record.

6. The petitioner has placed on record the order stating that the Department would not ascertain the information with regard to the relationship between the petitioner and deceased father of the petitioner, who is a government servant. However, during verification of the service record of the Government Servant i.e., Sri. N.Thulasi Ram, it was noticed that petitioner is daughter of the deceased employee, as per the government servant's declaration dated 02.06.1965. Accordingly, respondent No.3 sought for certain documents vide letter in C.No.II/25/08/2020-Pension dated 07.06.2024 for processing the claim of petitioner i.e., sanction of family pension.

7. At this stage, learned counsel for the petitioner submits that the petitioner would submit all the requisite documents, as sought for by respondent No.3 and upon such submission, respondents may be directed to consider her claim and pass appropriate order for sanction of family pension.

8. Learned counsel appearing for C.B.I.C. submits that once the petitioner submits the documents as sought for in the letter dated 07.06.2024, respondents would consider the claim of the petitioner for sanctioning family pension and appropriate orders would be passed.

9. Considering the submissions made by learned counsel on either side,, petitioner is permitted to submit all the relevant documents within a period of four (04) weeks from the date of receipt of copy of this order. Upon receipt of such documents, respondents shall consider the petitioner's claim for family pension and pass appropriate orders as agreed in the counter-affidavit within a period of four (04) weeks therefrom.

10. With the above directions, this Writ Petition is disposed of. No costs. Miscellaneous petitions pending, if any, shall stand closed.

JUSTICE BALAJI MEDAMALLI

Date:03.11.2026
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