

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY EIGHTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

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WRIT PETITION NO: 3755 of 2005

Between:

M. Jayamma, W/o. Late Bangaraiah Setty,
R/o. 125 LIC-II, A.P. Housing Board,

'B' Camp, Old Housing Board Colony, Kurnool.

..... PETITIONER

AND

1 The Regional Provident Fund Commissioner,

Barkatpura, Hyderabad.

2 The Assistant Provident Fund Commissioner, R.S. Road,

Kadapa.

3 The Managing Director, Panyam Cements, Cement Nagar,

Banaganapalli, Kurnool District.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ of mandamus declaring the action of the respondents in not sanctioning family pension, gratuity, provident fund and other retirement benefits along with arrears of petitioner late husband as illegal, arbitrary, and violation of principles of natural justice and consequently direct the respondents to release and sanction family pension, gratuity, provident fund and other retirement benefits along with arrears of petitioner's late husband by considering the petitioner's representation dated 18-09-2004 and pass such orders as it may deem fit and just.

Counsel for the Petitioner: MR.K.VENKATESWARLU

Counsel for the Respondents:SMT. CH.LAKSHMI KUMARI

(SC FOR EMPLOY'S PF ORG.)

The Court made the following :

ORDER:

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This writ petition is filed to declare the action of respondents in not sanctioning family pension, gratuity, provident fund and other retirement benefits along with arrears of Late Bangaraiah Setty, to the petitioner, as arbitrary and illegal.

Heard learned counsel for the petitioner and learned counsel appearing for the respondents.

Whether the petitioner is entitled for the pension, gratuity, provident fund and other retirement benefits of her husband, has to be decided by the respondents in accordance with law.

Therefore, without entering into the merits of the case, the writ petition is disposed of, with a direction to the respondents to take appropriate decision in pursuance of the representation made by the petitioner dated 18-09-2004, if it is pending with them, within a period of four months from the date of receipt of a copy of this order.

The writ petition is accordingly disposed of. There shall be no order as to costs.

28-02-2005

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Note: Issue C.C in three days.

B/o.

vs

To

1 The Regional Provident Fund Commissioner,

Markapura, Hyderabad.

2 The Assistant Provident Fund Commissioner, R.S. Road,

Cuddapah.

3 The Managing Director, Panyam Cements, Cement Nagar,

Ranganapalli, Kurnool District.

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THE HON'BLE MR JUSTICE K.C. BHANU

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WRIT PETITION NO: 3755 of 2005

Dated: 28-02-2005

VS