

HON'BLE SRI JUSTICE B. KRISHNA MOHAN

WRIT PETITION No.3798 of 2022

ORDER:

Heard the learned counsel for the petitioner, the learned Government Pleader for Services-IV for the respondent Nos.1 and 2, and the learned Standing Counsel for the respondent No.3

2. This writ petition is filed seeking for releasing of pension and other death benefits of the deceased employee who worked in the respondent No.3-Corporation.

3. The case of the petitioner is that the husband of the petitioner worked as Senior Assistant and retired from service on attaining the age of superannuation on 31.03.2021. The husband of the petitioner died on 15.04.2021 due to COVID-19 and he has not received his retirement benefits. While the husband of the petitioner was working as Revenue Inspector, Municipal Corporation, Kakinada, East Godavari District, the ACB officials laid a trap on him and crime was registered in Crime NO.06/RCT-RJY/2015 and the same was numbered as C.C.No.14 of 2019 before the court of Trial of SPE & ACB Cases at Rajamahendravaram. On the death of the husband of the petitioner, the said case was closed as abated by the Special Judge. It is further submitted that the husband of the petitioner died leaving behind his wife and two sons. While so, the petitioner submitted a representation on 25.06.2021 to the respondent No.3 requesting to release the retirement

benefits of her husband for which no objection was given by her sons for payment of retirement benefits to her along with family pension of her husband. As the said representation of the petitioner is not yet considered by the respondents, the petitioner is constrained to file this writ petition.

4. The counsel for the petitioner submits that the petitioner submitted an application to the respondent No.3 on 25.06.2021 seeking death benefits of the deceased husband who worked in the respondent No.3 Corporation. He further submits that the petitioner seeks the benefit of Rule 9(8) of the Revised Pension Rules, 1980.

5. On the other hand, the learned Standing Counsel for the respondent No.3 submits that the application of the petitioner was already forwarded to the respondent No.1 on 17.07.2021 and the said request is pending with the respondent No.1 only.

6. In view of the same, since the said representation of the petitioner is pending, it is just and necessary to direct the respondent No.1 to dispose of the representation of the petitioner pursuant to the letter of the respondent No.3 dated 17.07.2021 as expeditiously as possible strictly in accordance with law specifically within eight weeks from the date of receipt of this order. The respondent No.1 shall go into the aspect of Rule 9(8) of the Revised Pension Rules, 1980 and decide the matter as per law.

7. Accordingly, the Writ petition is disposed of with the above said direction against the respondent No.1. As a sequel, the miscellaneous applications pending, if any, shall stand closed. There shall be no order as to costs.

February 28, 2022
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