



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF MARCH, 2025

BEFORE

THE HON'BLE MR JUSTICE R. NATARAJ

WRIT PETITION NO. 1450 OF 2025 (S-RES)

BETWEEN:

B.R. MOHINI
AGED ABOUT 75 YEARS,
W/O SRI. LATE B.D. RUDRAYYA,
R/AT SF 01, BADAMI BANASHANKARI RESIDENCY,
5TH MAIN, 2ND CROSS, APPAIAH SWAMY LAYOUT,
UTTARAHALLI, BANGALORE - 560061.

...PETITIONER

(BY SRI. SHIRIRAMA ADIGA, ADVOCATE)

AND:

1. UNION OF INDIA
PRINCIPAL CONTROLLER OF
DEFENCE ACCOUNTS (P)
AT DRAUPADI GHAT,
ALLAHABAD,
UTTAR PRADESH-211004.

2. SMT. B.R. LALITHA
AGED ABOUT NOT KNOWN,
W/O NOT KNOWN,
R/AT 576, RAMAMANDIR ROAD,
NEW STREET, HINKAL,
MYSORE-570017.

...RESPONDENTS

(BY SRI. GIREESHA KODGI, CENTRAL GOVERNMENT COUNSEL FOR
RESPONDENT NO.1;

VIDE ORDER DATED 28.03.2025, SERVICE OF NOTICE TO
RESPONDENT NO.2 IS HELD SUFFICIENT)





THIS WP IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECT THE RESPONDENT NO.1 TO DELETE THE NAME OF "MOHINI ALIAS LALITHA" BY WAY OF CANCELLATION AND GIVE A PROPER DIRECTION TO ADD THE PETITIONER NAME "B R MOHINI" IN THE PENSION PAYMENT ORDER BEARING NO.S/R/MODP/ 032411/2001 VIDE ANNEXURE-C AND ETC.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR JUSTICE R. NATARAJ

ORAL ORDER

The petitioner has sought for a writ in the nature of mandamus to direct the respondent No.1 to delete the name of "Mohini @ Lalitha" in the pension payment order bearing No.S/R/MODP/032411/2001 and direct the respondent No.1 to release all the pending pension amount in her favour.

2. The petitioner claims to be the widow of Sri. B.D.Rudrayya who was a soldier in the Indian army. He was discharged from service on his own request on compassionate grounds and later he died on 16.04.2007. The respondent No.1 addressed a communication to the records office, Pioneer Corps, Bengaluru regarding a representation received from Canara Bank, Madikeri, which highlighted that



the case involved claims of the children of second wife of Sri. B.D.Rudrayya, who approached it through their advocate, stating that their mother was not receiving the family pension. The Principal Controller of Defence Accounts (PCDA) directed the records office to conduct a thorough investigation into the matter. Thereafter, the Mangaluru office conducted investigation and collected relevant documents from the petitioner. However, its attempts to reach out to Mrs. B.R.Lalitha/respondent No.2 herein for clarification, did not evoke any response and the letters addressed to her returned undelivered. Based on the evidence adduced by the petitioner, the Mangaluru office recommended granting family pension in favour of Mrs. B.R.Mohini, the petitioner herein. The records office acknowledged in its letter dated 10.11.2021 that the deceased had officially declared Mrs. B.R.Mohini, the petitioner herein as his nominee for his estate and family pension. It is also confirmed that the petitioner herein was the first wife and therefore she was the eligible person for receiving the family pension. Accordingly, documents were forwarded to the PCDA requesting cancellation of existing Payment Pension Order (PPO) issued in the name of 'Mohini @ Lalitha' and issuance of



a fresh PPO in the name of the petitioner. As per records office, it was declared that the petitioner was the legal representative of the deceased and she was the only person entitled to get the pension. Thereafter, again the petitioner requested the respondent No.1 to cancel the existing PPO and issue a fresh PPO in her name. The PCDA returned the request of the petitioner stating that PPO cancellation could only be processed in cases of death, divorce and based on merits of the case. The petitioner thereafter submitted claim form along with all supporting documents to establish her entitlement for the pension. However, the PCDA on 18.12.2024 returned the case to the records office, Bengaluru with certain observations. The petitioner claims that the respondent No.2 who claimed to be the widow of deceased did not come forward to show any document in support of her claim and therefore, seeks for a direction to the respondent No.1 to pass necessary orders deleting the name of 'Mrs. Mohini @ Lalitha' in the pension payment order and substitute it with 'Mrs. B.R.Mohini'.

3. The learned counsel for the petitioner reiterated the above contentions and submitted that the respondent No.2 is not traceable and attempts made by the respondent No.1 to



secure information from the respondent No.2 have proved futile. Therefore, he submits that the issue is put to rest by PCDA and therefore, there is no impediment to substitute the name of the petitioner in the pension payment order.

4. The learned senior Central Government Counsel appearing for the respondent No.1 submitted that the issue whether the petitioner is the wife or respondent No.2 is the wife of the deceased cannot be looked into by the PCDA and it is for the petitioner to obtain appropriate declaration from a competent Civil Court. It is only then that the respondent No.1 could take steps to effect necessary changes in the pension payment order.

5. The respondent No.2 was sought to be served through the process of Court. However, the notice issued by this Court returned undelivered with an endorsement 'addressee left without instructions'. Thereafter, the petitioner had taken out substituted service of notice to respondent No.2 by publication in the newspaper, but yet the respondent No.2 has not appeared.



6. I have considered the submissions of the learned counsel for the petitioner as well as the learned Senior Central Government Counsel for the respondent No.1.

7. It appears that the name of the respondent No.2 was mentioned in the pension payment order. The deceased army man had mentioned the name of the petitioner as a nominee for all his service benefits. Therefore, there is a claim between the petitioner and the respondent No.2 to the family pension. Hence, unless the petitioner established that she is the only person entitled to the family pension and not the respondent No.2, before the competent Civil Court, she cannot compel the respondent No.1 to substitute her name in the pension payment order. In that view of the matter, no directions can be issued to the respondent No.1 to effect changes in the pension payment order and to substitute the name of the respondent No.2.

8. Hence, this writ petition is **disposed off** directing the petitioner to approach the competent Civil Court and obtain a declaration about her status as the wife of Sri. late B.D.Rudrayya. If the petitioner obtains a declaration, she is



entitled to approach the respondent No.1 for effecting necessary changes in the pension payment order. If the petitioner obtains such a declaration and approaches the respondent No.1, it shall forthwith take steps to substitute the name of the petitioner in the pension payment order.

**Sd/-
(R. NATARAJ)
JUDGE**

HJ
List No.: 1 Sl No.: 11