



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

[3457]

WEDNESDAY, THE ELEVENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE HARINATH.N

WRIT PETITION NO: 18064/2013

Between:

1.PONTHAPALLI YERRINAIDU,, S/O. LATE APPARAO, AGE: 27
YEARS, HINDU, MALE, SARIPILLI VILLAGE, PENDURTHI MANDAL,
VISA KHAPATNAM DISTRICT

...PETITIONER

AND

1.VISA KHAPATNAM PORT TRUST, REP. BY ITS CHAIRMAN,
VISA KHAPATNAM.

2.THE TRAFFIC MANAGER, VISA KHAPATNAM PORT TRUST,
VISA KHAPATNAM.

...RESPONDENT(S):

Counsel for the Petitioner:

1.A S C BOSE

Counsel for the Respondent(S):

1.P SRI RAM

The Court made the following:

ORDER:-

Learned counsel appearing for the petitioner submits that the petitioner has filed the present writ petition seeking the release of the death benefits due payable on account of his father's service to the 1st respondent organization. The petitioner also claims interest and compassionate appointment, apart from the other reliefs.

2. The petitioner's father joined the Port Trust, Visakhapatnam as a worker and at the time of his entry into service, the petitioner's father's name was entered as K.Akkunaidu. It is submitted that the original name of the petitioner's father is P.Apparao and his father is also called as Akkunaidu in the village. It is further admitted that the petitioner belongs to washerman community and that the surname of the petitioner's father and the petitioner is prevalent in the washerman community. The petitioner's father passed away on 09.01.1995 while he was in service and as such the petitioner and his brother sought for appointment on compassionate terms. It is also submitted that the petitioner's father served the 1st respondent for about 20 years and as such claimed for appointment on compassionate terms. It is submitted that the respondents instead of settling the death benefits of the petitioner's father and considering providing compassionate appointment have dragged on the matter for nearly 09 years and filed a criminal case against the petitioner and his brother *vide* C.C.No.329 of 2004. It was alleged that the petitioner and his brother had resorted to impersonation and cheated the respondents. The criminal case was dismissed and the petitioner was acquitted. It is also

submitted that pending trial, the petitioner's brother passed away. It is submitted that the respondents have not filed an appeal against the judgment passed in C.C.No.329 of 2004. After dismissal of the criminal case, the petitioner again submitted a representation requesting for settlement of death benefits and pensionary benefits and also considering the appointment of petitioner on compassionate terms. The petitioner submitted a legal heir certificate issued by the M.R.O office and family member certificate issued by the Tahsildar. It is submitted that the 2nd respondent called upon the petitioner *vide* letter dated 08.02.2012 calling upon the petitioner to submit fresh legal heir certificate by duly mentioning the name of the petitioner's father as K.Akkunaidu alias P.Apparao for taking further action.

3. Learned counsel for the petitioner further submits that the issue of the ambiguity on the name of the petitioner's father was appropriately dealt by the learned II Metropolitan Magistrate for Railways, Visakhapatnam and had categorically held that K.Akkunaidu and P.Apparao are one and the same and that the petitioner's father has not impersonated any other person with either of the similar names. It is admitted that the respondents instead of conducting any enquiry have simply been insisting the petitioner to submit a fresh family member certificate or legal heir certificate by mentioning the petitioner's father's name as K. Akkunaidu alias P.Apparao. It is submitted that the legal heir certificate issued by the Tahsildar and the family member certificate issued by the Tahsildar are adequately clear and the finding of the Magistrate Court, while deciding 329 of 2004 on merits, has categorically recorded that

there is no impersonation and that K.Akkunaidu and P.Apparao are one and the same persons. In these circumstances, the respondents ought to have released the pensionary and service benefits due payable to the petitioner's father on account of his service.

4. Learned Standing Counsel, appearing for the 2nd respondent has filed a counter and it is submitted that the service record as available with the 1st respondent would reflect the name of K.Akkunaidu and the wife of K.Akkunaidu is mentioned as K.Ramulamma. There is no mention of the children's name in the service record. It is also submitted by the learned Standing Counsel for the respondents that the legal heir certificate/family member's certificate submitted by the petitioner cannot be relied upon as the name of the employee would have to tally with the service records. It is also admitted in the counter that the service benefits and the pensionary benefits are not settled in favour of the legal heirs of the late employee K.Akkunaidu.

5. The short point for consideration is whether the petitioner is entitled for the relief sought for in the writ petition.

6. Heard the learned counsel for petitioner and the learned Standing Counsel for the respondents.

7. Perused the record.

8. On a query from the Court as to whether there was any claimant for the service benefits/pension benefits of the late employee, the learned Standing Counsel on instructions submits that, as on date they have not received any

claims from any third party apart from the claim set up by the petitioners. It is also submitted that the respondents would have to release the service benefits to the legal heirs and they would have to verify the service record and release the service benefits to the deserving and appropriate legal heir(s).

9. It is pertinent to invoke that the 1st respondent has prepared a statement showing the calculation of family pension in respect of late K.Akkunaidu alias Apparao, Token No.1373 expired on 19.01.1995 while in service of vide T.M.'s office order No.TM/LAB/Settle/19, dated 13.02.1995. The said calculation/statement would clearly indicate that the respondent's employee was also called as Apparao. However, on a query raised by the Finance Department, calling upon the legal heirs to furnish a fresh legal heirs certificate by mentioning the name of the deceased employee as K.Akkunaidu alias Apparao. The service benefits have not been released so far. Admittedly, the respondents have contested C.C.No.329 of 2004 and the officers of the respondents have also deposed before the Court as prosecution witnesses. The finding of the Court is also not under challenge and the judgment passed in C.C.No.329 of 2004 has attained finality.

10. The finding of the Court that there is no impersonation by the accused and the late employee K. Akkunaidu, who is also called as P.Apparao, as observed in the judgment. That apart it is also held in the judgment that the surname Kallepally is prevalent in the community of Dhobis was also elicited during the course of recording evidence from the prosecution witnesses. On these considerations and also considering the submissions that there is no

third party claim as on date, the respondents are hereby directed to release the pension benefits equally to the surviving legal heirs of the deceased employee K.Akkunaidu alias P.Apparao with 8% interest from the date of due.

11. Accordingly, the Writ Petition is disposed off. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE HARINATH.N

Date.11.02.2026
SR