



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

[3545]

FRIDAY, THE FOURTEENTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE BATTU DEVANAND

THE HONOURABLE SRI JUSTICE A. HARI HARANADHA SARMA

WRIT APPEAL NO: 609/2025

Between:

1. SRI VENKATESWARA UNIVERSITY, TIRUPATI, CHITTOOR
DISTRICT, REPRESENTED BY THE REGISTRAR

...APPELLANT

AND

1. C LAKSHMAMMA, DIED) W/O. LAGTE SAMBASIVA RAO, AGED
ABOUT 85 YEARS, R/O. D.NO. 11, WOMEN COMPLEX, M.R.
PALLE, TIRUPATI, CHITTOOR DISTRICT.

2. SMT KALIKIRI RANI, W/O LATE K NAGARAJA, AGED ABOUT 62
YEARS. HOUSE WIFE. RESIDENT OF D NO 11 WOMEN
COMPLEX M R PALLI TIRUPATI TIRUPATI DISTRICT. ...

3. THE STATE OF ANDHRA PRADESH, REPRESENTED BY ITS
PRINCIPAL SECRETARY FINANCE PEN I DEPARTMENT
SECRETARIAT VELAGAPUDI AMARAVATHI ANDHRA PRADESH

...RESPONDENT(S):

Counsel for the Appellant:

1. RAMESH BABU TALLURI SC For S.V. UNIVERSITY, TIRUPATI

Counsel for the Respondent(S):

1. GP FOR SERVICES I

2. NUTHALAPATI KRISHNA MURTHY

3. A JAGANNADHA RAO

The Court made the following:

THE HONOURABLE SRI JUSTICE BATTU DEVANAND
And
THE HONOURABLE SRI JUSTICE A. HARI HARANADHA SARMA

WRIT APPEAL No.609 of 2025

JUDGMENT: *((Per Hon'ble Sri Justice A. Hari Haranadha Sarma)*

Introductory:-

The 1st respondent in W.P.No.22391 of 2014, filed the present appeal feeling aggrieved by the orders of the learned Single Judge of this Court dated 19.02.2025. The writ petition was allowed directing payment of family pension.

2. The respondents 1 and 2 herein are the writ petitioners and the 3rd respondent herein is the 2nd respondent in the above said Writ Petition.

3. For the sake of convenience, parties will be hereinafter referred to as the writ petitioners and the respondents, as and how they are referred in the impugned orders.

Case of the writ petitioners:-

4. [i] The 1st petitioner is the mother and the 2nd writ petitioner is the sister of an employee, one C.Radha Kumari, who worked as a Housekeeper at Sri Venkateswara University College Hostel for Women, Tirupathi. The said employee was unmarried and passed away on 05.06.2001.

[ii] The 1st writ petitioner being the mother and dependent claimed for family pension. The respondents did not consider the representation. Hence, the petitioners approached Lokayukta and sought intervention. Thereafter, gratuity was granted as per Class-IV of the Employees Revised Pension Rules and impugned proceedings dated 02.07.2014 were issued stating that the first petitioner is not entitled to family pension in view of G.O.(P) No.523 dated 22.06.2004. During the pendency of the writ petition, the 1st petitioner was passed away.

[iii] The 2nd writ petitioner, being her legal heir, was brought on record.

[iv] The 1st writ petitioner, being the mother and dependent of the deceased entitled for family pension.

[v] Since the amount to which 1st writ petitioner is entitled becomes her estate, 2nd writ petitioner being legal heir of the 1st writ petitioner entitled for the same.

Case of the respondents:-

5. [i] As on the date of death of the deceased, there was no provision for granting family pension to a dependent parent and G.O.(P) No.523 dated 22.06.2004 is prospective in nature.

[ii] The deceased employee, daughter of the 1st writ petitioner, passed away on 05.06.2001, whereas the G.O. is effective from 22.06.2004 only.

Findings of Learned Single Judge in the writ petition:-

6. [i] Daughter of the 1st writ petitioner, initially joined in service on 25.10.1993 and was absorbed as a House Keeper on 20.02.1996, died on 05.06.2001, by which time, she was regular employee of the respondent University.

[ii] The 1st writ petitioner is the mother and the dependent. The deceased employee was unmarried, mother can be considered as dependent. Accordingly, the denial of family pension is illogical.

[iii] The 1st writ petitioner is entitled for pension, as she is '85' years old and the conduct of the respondents is insensitive towards the senior citizen. The respondents are liable to release the family pension due, to the dependents of the deceased- employee and the same shall be paid till the date of demise of the 1st writ petitioner, which shall be calculated from 05.06.2001 to 02.06.2020.

Arguments in the appeal:-

For the appellant/1st respondent:-

7. [i] Dependent mother is not entitled for family pension as per Revised Pension Rules, 1980.

[ii] Learned Single Judge failed to note that G.O.(P) No.523 Finance (Pen.I) Department, dated 22.06.2004 was issued amending the Revision Pension Rules, 1980 providing provision to sanction Family

Pension to the dependent parents, who are totally dependent on Government servant and the amendments take effect from the date it is enacted, only in respect of the future events.

[iii] As the deceased employee - C.Radha Kumari died on 05.06.2001, benefit under G.O.(P) No.523 Finance (Pen.I) Department, dated 22.06.2004 cannot be extended to the present case.

[iv] The prospective nature of the G.O. is not considered by the learned Single Judge.

[v] The learned Single Judge ought to have observed that the impugned directions would have financial effect on the University as well as the Government.

8. Heard learned Standing Counsel for the appellant – University and the learned counsel appearing for the respondent/writ petitioner.

9. Perused the material on record.

10. Now the points that require consideration in this appeal are,

(1) *Whether the 1st writ petitioner, i.e., mother of the deceased-employee [C.Radha Kumari] is entitled family pension in terms of G.O.(P) No.523 Finance (Pension Dep.) dated 22.06.2004? and whether the denial of benefit to her under the said G.O. on the ground that said G.O. is applicable only prospectively is proper?*

(2) *Whether the impugned orders dated 19.02.2025 passed in W.P.No.22391 of 2014 are liable to be set aside, as prayed for?*

(3) *What is the result of the appeal?*

Points 1 & 2 are interlinked, hence, answered together:-

Facts not in dispute:

11. [i] C.Radha Kumari/deceased was a regular employee of the 1st respondent. She died while in service on 05.06.2001. The 1st writ petitioner is her mother.

[ii] The 1st writ petitioner also died during the pendency of the writ petition.

Contention of the respondent/appellant herein:-

12. G.O.(P) No.523 Finance (Pen.I) Department, dated 22.06.2004 is prospective in operation and it cannot be applied retrospectively.

PRECEDENTIAL GUIDANCE

13. In ***Bharat Singh Vs. Management of New Delhi Tuberculosis Centre, New Delhi and Others***.¹, issue as to applying the provision vide Sections 17-B and 11(a) of Industrial Disputes Act in the light of the objectives and reasons of enacting a Section, even retrospectively with a liberal construction, has been addressed by the Hon'ble Apex Court, vide paras 10 and 11, which reads as under :-

“10. The Objects and Reasons give an insight into the background why this section was introduced. Though Objects and Reasons cannot be the ultimate guide in interpretation of statutes, it oftentimes aids in finding out what really persuaded the legislature to enact a particular provision. The Objects and Reasons here clearly spell out that delay in the implementation of the awards is due to the contests by the employer which consequently cause hardship to

¹ (1986) 2 SCC 614

the workmen. If this is the object, then would it be in keeping with this object and consistent with the progressive social philosophy of our laws to deny to the workmen the benefits of this section simply because the award was passed, for example just a day before the section came into force? In our view it would be not only defeating the rights of the workmen but going against the spirit of the enactment. A rigid interpretation of this section as is attempted by the learned counsel for the respondents would be rendering the workman worse off after the coming into force of this section. This section has in effect only codified the rights of the workmen to get their wages which they could not get in time because of the long drawn out process caused by the methods employed by the management. This section, in other words, gives a mandate to the courts to award wages if the conditions in the section are satisfied.

11. *In interpretation of statutes, courts have steered clear of the rigid stand of looking into the words of the section alone but have attempted to make the object of the enactment effective and to render its benefits into the person in whose favour it is made. The legislators are entrusted with the task of only making laws. Interpretation has to come from the courts. Section 17-B on its terms does not say that it would bind awards passed before the date when it came into force. The respondents' contention is that a section which imposes an obligation for the first time, cannot be made retrospective. Such sections should always be considered prospective. In our view, if this submission is accepted, we will be defeating the very purpose for which this section has been enacted. It is here that the court has to evolve the concept of purposive interpretation which has found acceptance whenever a progressive social beneficial legislation is under review. We share the view that where the words of a statute are plain and unambiguous effect must be given to them. Plain words have to be accepted as such but where the intention of the legislature is not clear from the words or where two constructions are possible, it is the court's duty to discern the intention in the context of the background in which a particular section is enacted. Once such an intention is ascertained the courts have necessarily to give the statute a purposeful or a functional interpretation. Now, it is trite to say that acts aimed at social amelioration giving benefits for the have-nots should receive liberal construction. It is always the duty of the court to give such a construction to a statute as would promote the purpose or object of the Act. A construction that promotes the purpose of the legislation should be preferred to a literal construction. A construction which would defeat*

the rights of the have-nots and the underdog and which would leave to injustice should always be avoided. This section was intended to benefit the workmen in certain cases. It would be doing injustice to the section if we were to say that it would not apply to awards passed a day or two before it came into force.”

14. Further, in **Vijay v. State of Maharashtra**² Hon’ble Apex Court held that a general rule of constructing a statute to have a prospective effect, does not apply to curative or clarificatory statutes, vide para 12 of the judgment reads as under:-

“12. The appellant was elected in terms of the provisions of a statute. The right to be elected was created by a statute and, thus, can be taken away by a statute. It is now well settled that when a literal reading of the provision giving retrospective effect does not produce absurdity or anomaly, the same would not be construed to be only prospective. The negation is not a rigid rule and varies with the intention and purport of the legislature, but to apply it in such a case is a doctrine of fairness. When a law is enacted for the benefit of the community as a whole, even in the absence of a provision, the statute may be held to be retrospective in nature. The appellant does not and cannot question the competence of the legislature in this behalf.”

15. Learned counsel for the petitioner further relied on the judgment in **Sree Sankaracharya University of Sanskrit v. Manu**³, wherein the Hon’ble Apex Court, while referring to the amendment repeal and clarification in respect of subordinate / delegated legislation and retrospective applicability, summarized certain principles vide para 38, which reads as follows:-

² (2006) 6 SCC 289

³ , (2023) 19 SCC 30 : 2023 SCC OnLine SC 640 at page 45

“38. From the aforesaid authorities, the following principles could be culled out:

38.1. If a statute is curative or merely clarificatory of the previous law, retrospective operation thereof may be permitted.

38.2. In order for a subsequent order/provision/amendment to be considered as clarificatory of the previous law, the pre-amended law ought to have been vague or ambiguous. It is only when it would be impossible to reasonably interpret a provision unless an amendment is read into it, that the amendment is considered to be a clarification or a declaration of the previous law and therefore applied retrospectively.

38.3. An explanation/clarification may not expand or alter the scope of the original provision.

38.4. Merely because a provision is described as a clarification/explanation, the Court is not bound by the said statement in the statute itself, but must proceed to analyse the nature of the amendment and then conclude whether it is in reality a clarificatory or declaratory provision or whether it is a substantive amendment which is intended to change the law and which would apply prospectively.”

16. Now it is necessary to examine whether the G.O.(P) No.523 Finance (Pen.I) Department, dated 22.06.2004 is clarificatory in nature and effect.

In this context it is necessary to refer to G.O.(P) No.523 dated 22.06.2004,

17. The contents relevant referred in G.O.523 are extracted, which are as follows:-

“2. The Committee among other things, made the following recommendations on pensionary benefits:

i) *Inclusion of widowed/divorced daughter and parents, who were totally dependent on Govt. Servant, while he was alive and where the deceased employee left behind neither widow nor a child in the definition of family for purposes of Family Pension.*

3. *Government after careful consideration of the recommendations of the Anomalies Committee hereby order inclusion of widowed/divorced daughter and parents, who were totally dependent on Govt. Servant while he was alive and where the deceased employee left behind neither widow nor a child in the definition of family*

for purposes of Family under Sub-Rule 12 of Rule 50 of Andhra Pradesh Revised Pension Rules, 1980.

3.1 *The family pension in respect of sons/daughter (including widowed/divorced daughter) will be admissible subject to the condition that the payment should be discontinued/not admissible when the eligible son/daughter starts earning a sum of Rs.2440/- (Rupees two thousand four hundred and forty only) per month from employment in the Government, private sector, self employment etc.. it is further clarified that the family pension to the sons/daughters will be admissible till he/she attains 25 years of age or upto the date of his/her marriage/re-marriage whichever is earlier.*

4) *Government have also decided not to entertain any grievances for the rectification of any alleged anomaly arising out of the recommendations of the Anomalies Committee in the wake of constitution of the 8th Pay revision Commission, as ordered in G.O., 5th and 6th read above.*

5) *Necessary amendments to the Andhra Pradesh Revised Pension Rules, 1980 where ever necessary will be issued separately.*

6) ***These orders will come into force with immediate effect.***

7) *All Pension Disbursing Officers, i.e., all Treasury Officers/Pension Payment Officers are requested to implement these orders with authorization from the Accountant General (A&E), A.P. Hyderabad.*

8) *the expenditure is allocable among the various States in accordance with the provision of G.O.Ms.No.198, Finance Dated 10.07.1969.*

9. *The expenditure is allocable among the various States in accordance with the provisions of G.O.ms.No.198, Finance, dated 10-07-1969. ...”*

18. The preamble to G.O.(P) No.523 Finance (Pension Dep.) dated 22.06.2004 reads as follows:-

“Pensions- Recommendations of the Anomalies Committee constituted to look into the Anomalies, arising out of recommendatiosn fo teh Pay Revision Commission, 1999- Definition of ‘Family’ for purpose of family pension – Inclusion of widowed/divorced daughters and dependent parent- implemented- Orders – Issued”

19. From the reading of the above, the purpose for which the G.O. is issued is clear. There is reference to the representations as well as the recommendations of the Pay Revision Commission 1999. Therefore, it can

be inferred that the issues relating to the things covered by G.O.(P) No.523 Finance (Pension Dep.) dated 22.06.2004 are under consideration from 1998 as to implementation of recommendations of Pay Revision Commission (Revised) 1999 etc..

20. G.O.Ms.No.453 relied on by the parties is substantially clarificatory in nature, particularly with regard to the clarifying the definition of family and dependent family members, including clarifying that the parents also become eligible. Further, it is also clear from point No.2 of G.O.(P) No.523 dated 22.06.2004, wherein recommendations of the Committee are extracted that, it was recommended for inclusion of widow, divorced daughter and parents, who are totally dependents on government servant while he was alive, where the deceased-employee left behind neither widow nor a child in definition of 'family' for the purpose of family pension. Therefore, the inclusion is based on the recommendation in the year 1999 although the G.O. was issued in the year 2004. The only point that the appellant is canvassing is that G.Os will come into force with immediate effect means it is prospective. We are unable to accept the contentions that the benefit is prospective only and it applies in respect of future pension claims but not in respect of entitlements already arose. The death of the employee has taken place in the year 2001, in view of the nature of the G.O., being clarificatory, and the object being a social welfare in nature, would operate even retrospective and hence, the entitlement of mother of the deceased -employee, the 1st writ petitioner for family pension need not

be doubted and the orders of the learned Single Judge require no interference.

21. In view of the discussions made above, the points No.1 and 2 are answered concluding that the mother of the deceased employee i.e., the 1st writ petitioner is entitled to family pension and 2nd writ petitioner is entitled to receive the amounts payable to the 1st writ petitioner. Therefore, the orders of the learned Single Judge require no interference and fit to be confirmed.

Point No.3:-

22. **In the result**, the Writ Appeal is dismissed. No costs.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE BATTU DEVANAND

JUSTICE A.HARI HARANADHA SARMA

Dated:14 .11.2025

Note:

L.R. Copy be marked.

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THE HON'BLE SRI JUSTICE BATTU DEVANAND
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Dt.14.11.2025

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WRIT APPEAL NO: 609/2025

% 14.11.2025

Sri Venkateswara University, Tirupati, Chittoor District,
 Represented By The Registrar.

.... Petitioner

Versus

\$ C Lakshamma, (died), W/o. Late Sambasiva Rao, Aged about
 85Years, R/o. D.No. 11, Women Complex, M.R. Palle, Tirupati, Chittoor
 District And 02 Others.

.... Respondent

! Counsel for the Petitioner : Ramesh Babu Talluri
 Sc For S.V.University,Tirupati.

! Counsel for the Respondents : GP FOR SERVICES I

NUTHALAPATI KRISHNA MURTHY
 A JAGANNADHA RAO

< Gist:

> Head Note:

? Cases referred:

(1986) 2 SCC 614

2006) 6 SCC 289

(2023) 19 SCC 30 : 2023 SCC OnLine SC 640 at page 45

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 District AND 02 Others.

.... Respondents

DATE OF ORDER PRONOUNCED: 14.11.2025

SUBMITTED FOR APPROVAL:

THE HONOURABLE SRI JUSTICE BATTU DEVANAND
AND
THE HONOURABLE SRI JUSTICE A. HARI HARANADHA SARMA

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|---|--------|
| 1. Whether Reporters of Local Newspapers may be allowed to see the Order? | Yes/No |
| 2. Whether the copies of Order may be marked to Law Reporters/Journals? | Yes/No |
| 3. Whether Your Lordships wish to see the fair copy of the Order ? | Yes/No |

JUSTICE BATTU DEVANAND

JUSTICE A.HARI HARANADHA SARMA