



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

[3208]

FRIDAY, THE TWENTIETH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE D RAMESH

WRIT PETITION NO: 12727/2023

Between:

1.D SARASWATHI DEVI, W/O LATE D.RAMA CHADRA RAJU, C/O SUBBARAJU, AGE. 65 YRS, R/O FIAT NO.107, LAKSHMI SAPHIRE APARTMENT, ROAD NO.27, MAYURI NAGAR, MIYAPUR, HYDERABAD.

...PETITIONER

AND

1.THE STATE OF AP, REP. BY ITS PRL. SECRETARY IRRIGATION, I AND CAD DEPARTMENT, SECRETARIAT, VELAGAPUDI, GUNTUR DISTRICT.

2.THE ENGINEER INCHIEF ADMIN, WATER RESOURCES DEPARTMENT, A.P., VIJAYAWADA, NTR DISTRICT.

3.THE EXECUTIVE ENGINEER, ID, VAM.PROJ.DIV.NO.I, AMADALAVALSA, SRIKAKULAM DISTRICT.

...RESPONDENT(S):

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased topleased to issue an appropriate writ, order or direction more particularly one in the nature of Writ of MANDAMUS declaring the proceedings of the 2nd respondent issued in No. RC/ENC/K3(1)/30022/1998, dt. 27.10.2022 refusing to grant terminal benefits of late D.Ramachandra Raju, DEE (Retired) as illegal, arbitrary and consequentially direct the 2nd respondent to release due provisional pension to an extent of 75percent

sanctioned in G.O.Rt.No.885, IAD (Services - I, II) Department, dt. 19.06.2006 as per the orders of APAT passed in O.A.No.5667/2006 in the interest of justice and to pass

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Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the 2nd respondent to release arrears of provisional pension to an extent of 75percent sanctioned in G.O.Rt.No.885, IAD (Services - I, II) Department, dt. 19.06.2006 as per the orders of APAT passed in O.A.No.5667/2006 pending disposal of the main writ petition and to pass

Counsel for the Petitioner:

1.VASAVI RATNA KUMARI DANDAMUDI

Counsel for the Respondent(S):

1.GP FOR SERVICES III

The Court made the following:

THE HONOURABLE SRI JUSTICE D.RAMESH**WRIT PETITION NO: 12727 of 2023****ORDER:**

This Writ Petition is filed seeking the following relief:

“....to issue a Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the proceedings of 2nd respondent vide proceedings No.RC/ENC/K3(1)/30022/1998, dated 27.10.2022 refusing to grant terminal benefits of late D.Ramachandra Raju, DEE (Retired) as illegal and arbitrary, and consequently direct the 2nd respondent to release due provisional pension to an extent of 75% sanctioned in G.O.Rt.No.885, IAD (Services-I, II) Department, dated 19.06.2006 as per the orders of APAT passed in O.A.No.5667 of 2006”.

2. Heard the learned counsel for the petitioner and the learned Assistant Government Pleader appearing for the respondents.

3. The case of the petitioner is that the respondents have initiated departmental proceedings against the husband of petitioner, who worked as Deputy Executive Engineer in Vamsadhara Project, Sub Division-I, Amudalavalasa, Srikakulam District and the said proceedings were rendered with punishment of stoppage of pensionary benefits. The husband of petitioner retired from service on 31.10.2005 later he died on 08.12.2008. While he was working as Deputy Executive Engineer, Parvathipuram Sub Division, Vizianagaram District, he was implicated in false ACB case and convicted in C.C.No.12 of 2005 on the file of SPE and ACB cases, Visakhapatnam, vide judgment dated 18.11.2005, later he preferred an appeal before this Court vide Crl.A.No.1823 of 2005, while the

same was pending before this Court, the husband of the petitioner died. Hence, the petitioner is entitled to family pension.

4. The learned Assistant Government Pleader appearing on behalf of respondents requested time to file counter affidavit.

5. Considering the submissions made by the learned counsel on both sides, and as this Court is not inclined to go into the merits of the case, it is held that upon the death of the employee, even if disciplinary or criminal proceedings were pending, the petitioner is entitled to her share of the pension benefits in terms of Rule 9(6), (7) and (8) of the Revised Pension Rules, 1980. Further, with regard to family pension, Rule 59 provides for grant of family pension, and there is no embargo under the said Rule on grant of family pension to the petitioner.

6. Hence, the Writ Petition is disposed of directing the respondent authorities to consider the case of the petitioner as per Rules 9(6), (7) and (8) and 59 of Revised Pension Rules, 1980 and pass appropriate orders within a period of two months from the date of receipt of a copy of this order. There shall be no order as to costs.

7. As a sequel miscellaneous applications, pending, if any, shall also stand closed.

JUSTICE D.RAMESH

Dt:20.02.2026
sj

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Dt.20.02.2026

Sj