



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

[3311]

Monday ,the Tenth day of March
Two Thousand and Twenty Five

Present

The Honourable Ms Justice B S Bhanumathi

Writ Petition Transferred From APAT No: 1882 of 2021

(O.A.No.1287 of 2018)

Between:

Natta Parishudhamu and others

...Petitioner(S)

AND

The State of Anhdra Pradesh and others

...Respondent(S)

Counsel for the Petitioner(S):

- 1.Sai Gangadhar Chamarty
- 2.GP For Services III

Counsel for the Respondent(S):

- 1.

The Court made the following:

ORDER:

This writ petition is filed under Article 226 of the Constitution of India to declaring the action of the respondents in not sending pension proposals though the 3rd respondent directed the 4th respondent vide proceedings Rc.No.38/B4/2016, (sic D4) dated 16.08.2016 as illegal

and arbitrary and further direct the respondents to settle the death benefits of late Natta Varaprasada Rao, SGT, Mandal Parishadh School, Gudivada including pension proposals in favour of the applicant along with interest.

2. Originally O.A. was filed under Section 21 of the Administrative Tribunal's Act, 1985 to direct the respondents to settle the death benefits of late Natta Varaprasada Rao, SGT, Mandal Parishadh School, Gudivada including pension proposals in favour of the applicant.

3. The case of the petitioners is briefly as follows:

The 1st petitioner is the wife and the 2nd petitioner is daughter of late Natta Varaprasada Rao who worked as second grade teacher, MPT, Gudivada and died on 13.09.2013 intestate leaving behind him the petitioners. After his demise, the applicants approached the respondents no.3 and 4 for granting family pension in favour of the 1st petitioner and also to pay the death benefits, and submitted the relevant documents. However, the matter has been kept pending without consideration. On 01.03.2016, the respondent no.4 transferred Rs.3,263/- and Rs.11,569/- to the account of the 1st petitioner towards the leave encashment payable to the deceased. As the request for release of the further amounts was not considered, the 1st petitioner submitted an application dated 06.06.2016 to the respondent No.3 in 'meekosam' programme. The respondent No.3 forwarded the same to the respondent No.4 with an endorsement 'most important' vide proceeding dated 16.08.2016 in Rc No.38/D4/2016. On the same day, the respondent No.3 gave the 1st petitioner a letter stating that the representation had been forwarded to the respondent No.4. The

mother-in-law of the 1st petitioner, along with the 1st wife of the deceased and others, filed a suit in O.S.N.149 of 2016 on the file of the court of Principal Senior Civil Judge, Gudivada to declare that the plaintiffs are the sole legal heirs of the deceased. In fact, the deceased got divorced from the 2nd plaintiff in the suit vide orders dated 09.06.1994 in HMOP No.38 of 1993 on the file of the court of Subordinate Judge, Gudivada. Subsequent to the divorce, the 1st petitioner married the deceased and begot a female child who is the 2nd petitioner, on 01.06.1997. The name of the 1st petitioner was entered in his service register as wife and nominated her. The name of the 2nd petitioner was entered on 16.01.2004 in the service register with regard to the AP State Employees Group Scheme, 1984 and the same was authenticated by the respondent No.4. The deceased subscribed LIC policies in the name of the 1st petitioner in the year 2006 and the in the name of the 2nd petitioner in the year 2009. However, the mother of the deceased colluded with the 1st wife of the deceased in filing the suit with an intention to harass the petitioners mentally and financially by suppressing the truth of divorce and making baseless allegations. In the suit, the Chief Executive Officer, Zilla Parishad, Krishna District, Machilipatnam and Mandal Educational Officer, Gudivada Mandal, Krishna District were shown as the defendants No.3 and 4. In the suit, an interim injunction in I.A.No.471 of 2016 was passed on 09.06.2016 restraining the respondents no.3 and 4/D-3 and D-4 not to proceed to pay the death benefit amounts and other consequential benefits of the deceased. The District Educational Officer, Krishna District, Machilipatnam addressed a letter Rc No.38/D4/2016 dated 16.08.2016 to the 1st petitioner informing that DEO is not competent authority to sanction pensionary benefits to the teachers working in primary and upper primary schools as per G.O.Ms.No.40 Education (Service V)

Department dated 07.05.2002 and that it is the personal problem as the matter is in a case before the court of Senior Civil Judge, Gudivada. The order has been vacated by the same Court on 02.01.2017 as the plaintiffs were not showing interest in prosecuting the suit, having obtained interim order in their favour. Even then, since the authorities did not release the benefits to the petitioners inspite of the persuasion of the petitioners, this petition was filed initially by the 1st petitioner and later the 2nd petitioner was impleaded.

4. The learned counsel for the petitioners submitted that the suit was disposed on 09.05.2024 partly decreeing the suit by declaring that the plaintiffs no.3 to 5 and the defendants no.1 and 2 are the class-I legal heirs of the deceased and directing the defendants no.3 and 4 to consider them for the death benefits and other consequential reliefs as per the rules and circular orders which are in force and the suit was partly dismissed holding that the 2nd plaintiff is not the legal heir of the deceased and the 6th plaintiff, being class-II heir, is not entitled to any claim. Pending the suit, the 1st plaintiff died.

5. The learned Assistant Government Pleader, Services-III placed on record the written instructions of the District Educational Officer, Krishna District, Machilipatnam vide Lr.Rc.No.21/C2/2024 dated 03.04.2024, wherein it was stated that further action would be taken for payment of pension and other benefits after final adjudication of the suit in O.S.No.149 of 2016 and on submission of death certificate, family member certificate and service register.

6. Since the death benefits were not released due to pendency of the dispute before the civil Court and now, after disposal of the suit, as there is no impediment for disbursement of the benefits as per the

decree in O.S.No.149 of 2016, the writ petition is disposed directing the respondents to process all the pending claims to the legal heirs of late Natta Varaprasada Rao as per the decree dated 09.05.2024 in O.S.No.149 of 2016, within two (2) months from the date of receipt of copy of this order, if not stayed by order of any Court. The petitioners shall submit a copy of this order to the concerned authorities for enabling them to comply the directions.

There shall be no order as to costs.

Miscellaneous petitions, if any pending, in this petition, shall stand closed.

Dt.10.03.2025

B.S.BHANUMATHI, J

PNV