

APHC010622752025



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

[3208]

MONDAY, THE NINTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE D RAMESH

WRIT PETITION NO: 32386/2025

Between:

1. NAMALA NIRMALA, W/O LATE NAMALA OBULESU,
AGED ABOUT 51 YEARS, OCC.HOME MAKER, R/O
D.NO.4-654, VIDYARANYA NAGAR, PAPAMPET,
ANANTHAPUR, ANANTHAPURAMU DISTRICT.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP BY ITS
PRINCIPAL SECRETARY COOPERATIVE DEPARTMENT.
SECRETARIAT, AMARAVATI, GUNTUR DISTRICT.

2. THE DISTRICT COOPERATIVE OFFICER, DISTRICT CO-
OPERATIVE OFFICE, ANANTHAPURAMU,
ANANTHAPURAMU DISTRICT

3. THE DIVISIONAL COOPERATIVE OFFICER, DIVISIONAL
CO-OPERATIVE OFFICE, ANANTHAPURAMU
ANANTHAPURAMU DISTRICT.

...RESPONDENT(S):

Counsel for the Petitioner:

1.K MALLIKARJUN

Counsel for the Respondent(S):

1.GP FOR COOPERATION

2.GP FOR SERVICES I

The Court made the following:

THE HONOURABLE SRI JUSTICE D.RAMESH**WRIT PETITION No.32386 of 2025****ORDER:**

This writ petition is filed declaring the action of the respondents in not paying the gratuity, provident fund amount, leave salary, group insurance and family pension after the death of the petitioner's husband on 09.11.2024, as illegal and arbitrary.

2. Heard learned counsel for the petitioner, learned Assistant Government Pleader appearing for respondents Nos.1 to 3 and learned counsel for impleaded respondent Nos.4 to 6.

3. Considering the submissions, this Court has passed the following interim orders on 24.11.2025:

“The petitioner is aggrieved by the inaction on the part of the respondent authorities in settling the gratuity, provident fund amount, leave salary, group insurance, and family pension of the petitioner's husband.

It is submitted that the petitioner's husband was employed in the office of respondent No.3 as an Attender and had completed more than 25 years of service. The petitioner's husband passed away on 09.11.2024, and the petitioner's name is recorded as the nominee entitled to receive the service benefits in the official records.

It is submitted that the petitioner requested the respondent authorities to release the gratuity, provident fund, leave salary, group insurance, and family pension, and other service benefits due payable to the petitioner on account of the demise of her husband. It is submitted that the respondents have so far not released the family pension and other benefits, despite the petitioner having submitted the relevant application for grant of service benefits.

The learned Assistant Government pleader appearing for the respondents submits that there appears to be a suit filed by the petitioner's son claiming an equal share in the service benefits.

The learned counsel for the petitioner submits that no such suit has been filed, and that the petitioner, being the legally wedded wife, is entitled to the service benefits. It is further submitted that though the husband of the petitioner passed away more than one year ago, the respondent authorities have neither nor paid the service benefits.

There shall be a direction to the respondents to determine the service benefits due payable to the petitioner on account of service of her husband and to settle the same within a period of four (04) weeks from the date of the receipt of this order.

Post the matter on 19.01.2026.”

4. Aggrieved by the same, one Namala Uma, Namala Surendra Babu and Namala Kiran Kumar have filed implead application claiming that they are also legally wedded wife and children of the deceased and they are also entitled for family pension and retirement benefits. In the implead application, they have also stated that the petitioner herein and two others have approached the competent Civil Court by filing O.S.No.1181 of 2025 on the file of the Additional Junior Civil Judge, Anantapuram seeking a declaration that they are the legal heirs of the deceased Obulesu and after notice, the impleaded respondent Nos.4 to 6 have filed their objections and the said suit is pending. During the pendency of the suit, the present writ petition was filed by the petitioner without disclosing the said fact, with a *mala fide* intention to get the entire benefits by denying the rights of impleaded respondent Nos. 4 to 6.

5. Considering the submissions made by impleaded respondent Nos.4 to 6 and also on perusal of the averments made in the implead application, it is observed that though the petitioner has not denied about the pendency of the suit, she has pursued the writ petition contending that she is the only legal heir and that since the respondents have not considered her claim,

questioning the same, the present writ petition has been filed. In fact, the suit has been filed for a different purpose.

6. In view of the above submissions and considering the fact that the issue is already pending before the competent Civil Court, this Court is not inclined to entertain the writ petition.

7. Accordingly, the Writ Petition is disposed of directing both the parties to agitate their claims in the pending suit. The respondent authorities are directed to consider the claims of both the petitioner as well as impleaded respondent Nos.4 to 6 after disposal of the suit. There shall be no order as to costs.

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

JUSTICE D.RAMESH

Date: 09.02.2026
lvd

THE HONOURABLE SRI JUSTICE D.RAMESH

WRIT PETITION No.32386 of 2025

Dated: 09.02.2026

lvd