

HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

WRIT PETITION No. 34658 /2025

PROCEEDING SHEET

Sl. No.	DATE	ORDER	OFFICE NOTE
	17.12.2025	<u>VN, J</u> The Writ Petition is filed questioning the action of the Respondents in not releasing the 'Family Pension' and 'Terminal benefits' to the Petitioner as illegal and arbitrary. The facts leading to filing of the present Writ Petition are as follows: The husband of the Petitioner, by name Govindu (hereinafter referred to as 'the Deceased'), had initially married 'Thota Venkata Koteswaramma,' and they were blessed with two children. After the death of his first wife, the deceased married the Petitioner and out of their wedlock, two children were born. The deceased, after working as 'Public Health Worker' in the Sanitation Section in Sattenapalli Municipality, had died on 24.11.2024 due to cardiac arrest while in harness. The Petitioner thereafter submitted an application for sanction of 'Family Pension' and for 'terminal benefits,' and the same were not being released on the ground that the disputes were pending between the children of first wife and the Petitioner and her children with regard to the death benefits of the	

		deceased. Hence, the present Writ Petition. Learned counsel for the Petitioner submits that the name of the Petitioner was mentioned in the 'Service Record' as 'nominee' and therefore, she is entitled for 'Family Pension' and 'retirement benefits'. Ms. Sireesha Rani, learned Standing Counsel submits that the relief sought by the Petitioner was rejected by the Respondent No.2 as per the instructions of the Audit Department and that the Respondent No.2 is not competent authority to sanction 'Family Pension' and 'terminal benefits' of the deceased employee to the Petitioner. Heard the respective counsel. The narration of facts mentioned above shows that there is no dispute that the Petitioner is the second wife of the deceased and the marriage with the deceased was performed after the death of the first wife. As per Rule 50(5) of the A.P. Revised Pension Rules, 1980, the widow or widower is entitled to family pension up to the date of remarriage, and the children are entitled to family pension up to the age of 21 years, while an unmarried daughter is entitled to such pension until her marriage or till she attains the age of 30 years, whichever is earlier. In this case, the son of the first wife as well as the Petitioner are aged over 21 years and the	
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		daughters are married, as per the 'Family Member Certificate.' Since the son and daughter of the first wife as well as the Petitioner are overaged and married, they would not be entitled to 'Family Pension.' In that context, the rejection of the 'Family Pension' to the Petitioner is unsustainable. Therefore, there shall be an interim direction to the Respondent Authorities with the following directions: i) The Respondent Authorities are directed to sanction 'Family Pension' to the Petitioner from the date of entitlement of the Petitioner. ii) The claim with regard to other benefits will be considered after filing of the Counter Affidavits by the Respondents. Post the matter after four weeks for filing Counter Affidavit by the Respondents. _____ VN, J eha	
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