

[3460]

**IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)**

WEDNESDAY, THE SEVENTEENTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FIVE

:PRESENT:

THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY

WRIT PETITION NO: 34658 OF 2025



Between:

Thota Sujatha, W/o. Govindu Age 49 years, R/o. D. No. 19.2-51/1, Medara
Bazar Sattenapalli, Palanadu District

.... Petitioner

AND

1. The State of Andhra Pradesh, Represented by its Principal Secretary,
Municipal Administration and Urban Development Department
Secretariat Buildings, Amaravathi, Guntur District
2. The Sattenapalli Municipality, Sattenapalli, Palanadu District
Represented its commissioner

...Respondents

Petition under Article 226 of the Constitution of India is filed praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate order or direction more particularly, one in the nature of Writ of MANDAMUS declaring the inaction of Respondent No. 2 in not releasing the family pension and death benefits in view of the death of petitioner's husband i.e. Thota Govindu, who was employed as a Public Health Worker (Sanitary Maistry) in Respondent No. 2 with ID/DEO Code 06151802001, as illegal, arbitrary, violative of principles of natural justice apart from being violative of Article 21 and 300A of the Constitution of India, and consequently direct Respondent No. 2 to release the family pension and death benefits forthwith.

IA NO: 1 OF 2025

Petition under Section 151 CPC is filed praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to DIRECT the Respondent No. 2 to sanction the family pension to the petitioner the inaction of Respondent No. 2 in not releasing the family pension and death benefits in view of the death of petitioner's husband i.e. Thota Govindu, who was employed as a Public Health Worker (Sanitary Maistry) in Respondent No. 2 with ID/DEO Code 06151802001, Pending disposal of WP 34658 of 2025, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of SRI KAMBHAMPATI RAMESH BABU Advocate for the Petitioner, GP FOR MUNICIPALITY for respondent No.1, Smt. Sireesha Vallabhaneni Sanding Counsel for respondent No.2, and the Court made the following.

ORDER

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 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.

//TRUE COPY//

SD/- N.NAGAMMA
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Principal Secretary, Municipal Administration and Urban Development Department, State of Andhra Pradesh, Secretariat Buildings, Amaravathi, Guntur District
2. The Sattenapalli Municipality, Sattenapalli, Palanadu District
Represented its commissioner (1 & 2 by RPAD)
3. One CC to SRI. KAMBHAMPATI RAMESH BABU Advocate
[OPUC]
4. One CC to Ms. Sireesha Vallabhaneni, Standing Counsel [OPUC]
5. Two CCs to GP FOR MUNICIPALITY, High Court Of Andhra Pradesh. [OUT]
6. One spare copy

ksr

HIGH COURT

VN, J

DATED:17/12/2025

Post the matter after four weeks for filing Counter Affidavit by the Respondents.

ORDER

WP.No.34658 of 2025

INTERIM DIRECTION

