

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**TUESDAY, THE TWENTY FIRST DAY OF JULY
TWO THOUSAND AND TWENTY SIX**

PRESENT

**THE HONOURABLE SRI JUSTICE P.SAM KOSHY
AND
THE HONOURABLE SRI JUSTICE NARSING RAO NANDIKONDA**

WRIT APPEAL NO: 1405 OF 2025

Writ Appeal under clause 15 of the Letters Patent Writ Appeal preferred against the order dated 28/09/2022 in W.P.No.17650 of 2020 and pass on the file of the High Court.

Between:

Smt. Y. Swarajya Lakshmi,, W/o Late Y. Gopala Krishna Murthy, Aged about 83 years, Occ. Housewife, R/o. C/o Sri Y.O.B.M. Sekhar, Flat No. 506, Srisailaja Arcade, Moosarambagh, Malakpet, Hyderabad - 500 036, Telangana State.

.....APPELLANT/PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary, Finance (Pension-I) Department, Secretariat Buildings, Hyderabad.
2. The Accountant General (A and E), State of Telangana, Hyderabad.
3. The Director of Treasuries and Accounts, Insurance Building, Tilak Road, Abids, Hyderabad, T.S.
4. The Director of Local Fund Audit, Hyderabad, Telangana State.
5. Pay and Accounts Officer, For the State of Telangana, Abids. Tilak Road, Hyderabad, Telangana State.

.....RESPONDENTS/RESPONDENTS

Counsel for Appellant : SRI. P LAKSHMANA RAO

Counsel for Respondent Nos.1, 3, 4 & 5 : SRI S.SUMAN, GP FOR SERVICES-III

Counsel for Respondent No.2 : SRI K.BALAKRISHNA

The Court made the following Judgment : -

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

THE HON'BLE SRI JUSTICE P.SAM KOSHY

AND

THE HON'BLE SRI JUSTICE NARSING RAO NANDIKONDA

W.A.No.1405 of 2025

DATE: 21.07.2026

Between:

Smt Y Swarajya Lakshmi

...Appellant

AND

The State of Telangana and 4 others

...Respondents

JUDGMENT: *(per the Hon'ble Sri Justice P Sam Koshy):*

Heard Mr. P. Lakshmana Rao, learned counsel for the appellant; Mr. S. Suman, learned Government Pleader for Services-III appearing for respondent Nos.1 and 3; and Mr. K. Balakrishna, learned counsel appearing for respondent No. 2. Perused the record.

2. The present writ appeal has been filed by the appellant/writ petitioner assailing the order dated 28.09.2022 passed by the learned Single Judge in W.P. No. 17650 of 2020.

3. By the impugned order, the learned Single Judge dismissed the writ petition wherein the petitioner sought issuance of a writ of mandamus directing the respondents to grant family pension payable to the appellant under Rule 50 of the Telangana Revised Pension Rules, 1980.

4. The brief facts of the case are that the appellant is the widow of late Y. Gopala Krishna Murthy. The deceased was working as an Assistant Audit Officer in the Local Fund Audit Department, Government of Andhra Pradesh, Hyderabad. He retired from service on attaining the age of superannuation i.e., 58 years with effect from 30.04.1992.

5. In the impugned order, the date of retirement appears to have been mistakenly mentioned as 30.04.2019 instead of 30.04.1992.

6. There is no dispute whatsoever regarding the fact that the appellant is the legally wedded wife and widow of late Y. Gopala Krishna Murthy. Her name is reflected in the service records as well as in the pension papers. The names of the children born out of the wedlock are also reflected in the service records and pension papers.

7. From the date of his retirement, i.e., 30.04.1992, till the date of his demise on 29.01.2020, the appellant's husband was drawing pension in accordance with the applicable Pension Rules. Upon his death, the appellant submitted a claim for grant of family pension. However, the said claim was rejected on the ground that the name of the deceased was reflected differently in the death certificate.

8. The appellant's husband had been adopted by one Sri Narsimha Gupta, who, after the adoption, changed his name from G. Gopala Krishna Murthy to Y. Gopala Krishna Murthy. This change in name appears to have created confusion during the scrutiny of the appellant's claim for family pension.

9. The aforesaid factual matrix is not in dispute. There is also no dispute regarding the following facts:

(a) The appellant is the wife of Y. Gopala Krishna Murthy, who is also referred to at certain places as G. Gopala Krishna Murthy, both names referring to one and the same person.

(b) The appellant is the legally wedded wife of the said Y. Gopala Krishna Murthy.

(c) The appellant's name is reflected in the service records as well as in the pension papers.

(d) The names of the children born to the appellant through the said Y. Gopala Krishna Murthy are also reflected in the service records and pension papers.

10. However, after the death of the deceased, when the death certificate was issued, his name was shown as Y. Gopala Krishna Murthy, whereas in service records it is reflected as G. Gopala Krishna Murthy. The entitlement of the appellant to family pension on the death of her husband is not in dispute. The only obstacle in processing her claim is that the deceased's name is recorded in the death certificate as Yanduri Gopala Krishna Murthy instead of G. Gopala Krishna Murthy. Similarly, the name of the deceased's father is shown as Sessaiah in the death certificate, whereas the service records mentions the name of the father of the deceased as Narsimha Gupta. As has been discussed earlier, the deceased had been adopted by Narsimha Gupta, and accordingly the name of the adoptive father was entered in the service records. Likewise, the adopted name of the deceased was reflected in the service records, whereas in the death certificate his biological name and the name of his biological father came to be recorded.

11. It is not in dispute that all the aforesaid names refer to one and the same person.

12. The question that arises for consideration is whether, in the light of the aforesaid technical discrepancies, the appellant should be deprived of the family pension to which she is otherwise legally entitled on the death of her husband, who himself had been drawing pension from 30.04.1992 till 29.01.2020.

13. Another relevant aspect is that the appellant's name is reflected in the service records and pension papers, and the names of the children are also reflected therein, thereby establishing the relationship between the appellant and the deceased employee.

14. Yet another significant aspect is that although the appellant's husband expired on 29.01.2020 and more than six years have elapsed thereafter, no rival claim has been made by any person seeking family pension or other pensionary benefits. The appellant is now about 83 years of age. At this stage, insisting upon correction of the name of her husband or the name of his father in the death certificate, or requiring her to obtain a succession certificate establishing her status as the wife of the deceased, would cause undue hardship. It is not

always an easy task to secure correction of entries in a death certificate or to obtain a succession certificate from a competent civil court, particularly considering the advanced age of the appellant.

15. The appellant had also filed proceedings before the competent Civil Court seeking a succession certificate. However, the petition was returned on the ground of lack of jurisdiction, and the matter was not pursued further.

16. Another aspect that has been brought to the notice of this Court is that the appellant was, in fact, initially sanctioned and paid family pension by the department. However, upon noticing the aforementioned discrepancy in the name of the appellant's husband as reflected in the death certificate, the payment of family pension was discontinued. The amount of family pension already paid was also refunded by the appellant to the department. This conduct on the part of the appellant further establishes her bona fides and demonstrates that she has approached the authorities and this Court with clean hands.

17. Having regard to the aforesaid facts and circumstances, we are of the considered opinion that while scrutinizing and deciding claims relating to pension and family pension, the authorities ought to adopt a pragmatic, liberal and humane approach rather than rejecting such claims on mere technicalities.

18. When the aforesaid facts are not in dispute, the authorities could have accepted an undertaking from the appellant, either in the form of an affidavit or by obtaining appropriate surety, affirming the identity of the deceased employee and undertaking to refund the amount of family pension in the event it is subsequently found that the claim was obtained fraudulently.

19. Accordingly, the writ appeal is allowed. The order dated 28.09.2022 passed by the learned Single Judge in W.P. No. 17650 of 2020 is set aside. The respondents are directed to process and approve the claim of the appellant for family pension after obtaining such undertaking or affidavit as they may deem appropriate regarding the identity of the deceased employee, declaring that the names "Y. Gopala Krishna Murthy" and "G. -Gopala Krishna Murthy" refer to one and the same person. The entire exercise shall be completed and

the appellant shall be paid family pension together with all consequential arrears within a period of eight (08) weeks from today.

As a sequel, miscellaneous petitions, if any pending, shall stand closed. There shall be no order as to costs.

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SD/- K. SRINIVASA RAO
JOINT REGISTRAR

SECTION OFFICER

To

1. The Principal Secretary, Finance (Pension-I) Department, Secretariat Buildings, State of Telangana at Hyderabad.
2. The Accountant General (A and E), State of Telangana, Hyderabad.
3. The Director of Treasuries and Accounts, Insurance Building, Tilak Road, Abids, Hyderabad, T.S.
4. The Director of Local Fund Audit, Hyderabad, Telangana State.
5. Pay and Accounts Officer, For the State of Telangana, Abids. Tilak Road, Hyderabad, Telangana State.
6. Two CCs to GP FOR SERVICES -III, High Court for the State of Telangana at Hyderabad. [OUT]
7. One CC to SRI P.LAKSHMANA RAO, Advocate [OPUC]
8. One CC to SRI K.BALAKRISHNA, Advocate (OPUC)
9. Two CD Copies

SA

GJP

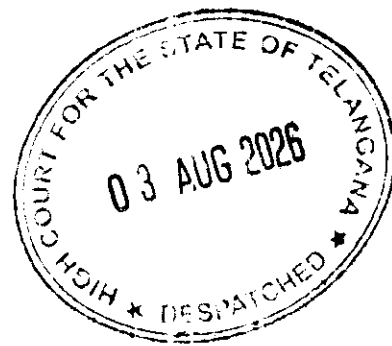


HIGH COURT

DATED: 21/07/2026

JUDGMENT

WA.No.1405 of 2025



ALLOWING THE W.A

WITHOUT COSTS.

(12) (P)
21/08/26