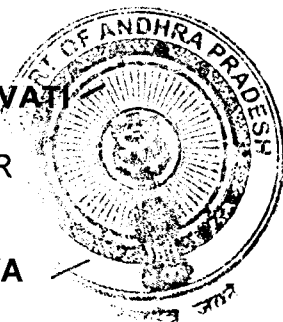


IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)

THURSDAY, THE TWENTY FIFTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY ONE

:PRESENT:

THE HONOURABLE SRI JUSTICE NINALA JAYASURYA



WRIT PETITION NO: 21720 OF 2021

Between:

Smt. V.Mangatayaru, D/o. Borra Babi Sarojini (Rtd Conductor),
W/o. Late V. Rama Rao , aged about 45 years, Occ-0/o House wife (Widow),
R/o.H.No. 5-122, Opposite Ramalayam, Atapaka, Kaikaluru Mandal, Krishna District.
A.P.

Petitioner

AND

1. The State of A.P., rep. by its Principal Secretary, Finance (HR 3 - Pension), Department Secretariat Building, Velagapudie, Guntur District.
2. The Chief Executive Officer, Zillaparishad Krishna, Chilakalapudi, Machilipatnam, Krishna District.
3. The Deputy Executive Officer, Zillapajaprishad Krishna, Machilipatnam, Krishna District.
4. The Mandal Education Officer, Mandala Prajaparishad, Mudinepally, Mudinepally Mandal, Krishna District.
5. The Head Master, Mandala Prajaparishad Upper Primary School, Wadavally Mudinepally (Mandal), Krishna District.

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a Writ or order or direction more particularly in the nature of Writ of Mandamus declare the action of the respondents in issuing the G.O.Ms.152 Finance (HR-III - Pension) Department dated 25-11-2019 in so far as amendment made to G.O.Ms.No.315 Finance Pension-I) Department, dated 07-10-2010 under Para No. 5 of the said G.O. prescribing the eligibility to receive family pension up to the date of their children becoming majors and up to 45 years w.e.f issuance of G.O.Ms. No. 315 Finance (Pension-I) Department dated 07-10-2010 as illegal, arbitrary, capricious, whimsical, resulting in violation of Article 14, 21 and 300-A of the Constitution of India and set aside the same and consequently direct the respondents to pay the family pension to the petitioner continuously with arrears as per judgment dated 5-3-2021 in W.P.No. 19671 of 2020 and batch.

IA NO: 1 OF 2021

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to direct the respondents to consider the petitioner representation dated 06-10-2020 by paying family pension to the petitioner continuously with arrears, pending disposal of WP 21720 of 2021, 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 Venkateswara Kesamsetty Advocate for the Petitioner, Sri G. Srinivasula Reddy, Advocate for Respondent Nos.2 & 3, GP for Services III for the Respondent Nos.4 & 5, the Court made the following.

ORDER:

Delete the matter from the caption "For Orders".

Heard learned counsel for the petitioner.

Sri G.Srinivasula Reddy, learned counsel represents respondent Nos.2 & 3. Learned Government Pleader for Services – III represents respondent Nos.4 & 5.

At the request of learned counsel for respondents, list the matter after four weeks for filing counters.

In the meanwhile, the respondents are directed to consider the representation of the petitioner dated 06.10.2020 for grant of Widow Pension in terms of applicable Government Orders.

SD/- K.J. RAJA BABU
ASSISTANT REGISTRAR

//TRUE COPY//

I SECTION OFFICER

To

1. The Principal Secretary, Finance (HR 3 - Pension), Department, State of A.P., Secretariat Building, Velagapudie, Guntur District.
2. The Chief Executive Officer, Zillaparishad Krishna, Chilakalapudi, Machilipatnam, Krishna District.
3. The Deputy Executive Officer, Zillapajaprishad Krishna, Machilipatnam, Krishna District.
4. The Mandal Education Officer,, Mandala Prajaparishad, Mudinepally, Mudinepally Mandal, Krishna District.
5. The Head Master, Mandala Prajaparishad Upper Primary School, Wadavally Mudinepally (Mandal), Krishna District. (1 to 5 by RPAD)
6. One CC to Sri Venkateswari Kesamsetty, Advocate [OPUC]
7. Two CCs to GP for Services III ,High Court of Andhra Pradesh. [OUT]
8. One Sri G. Srinivasula Reddy, Advocate (OPUC)
9. One spare copy

tvr

HIGH COURT

NJSJ

DATED:25/11/2021

ORDER

WP.No.21720 of 2021

DIRECTION

