

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

**SPECIAL LEAVE PETITION (CIVIL) Diary No. 2146/2023**

(Arising out of impugned judgment and order dated 04-02-2022 in IA No. 2/2021 in Writ Petition No. 4332/2021 passed by the High Court of Andhra Pradesh at Amravathi)

**THE UNION OF INDIA & ORS.**

**Petitioners**

**VERSUS**

**M. KUMARI**

**Respondent**

(FOR ADMISSION and I.R. and IA No.24009/2023-CONDONATION OF DELAY IN FILING and IA No.24010/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 53050/2023-APPLICATION FOR AMENDMENT OF PETITION)

Date : 17-03-2023 This petition was called on for hearing today.

**CORAM : HON'BLE MR. JUSTICE HRISHIKESH ROY  
HON'BLE MR. JUSTICE MANOJ MISRA**

**For Petitioner(s)** Ms. Madhvi Divan, Ld. A.S.G.  
Mr. Gurmeet Singh Makker, AOR  
Dr. Arun Kumar Yadav, Adv.  
Ms. Vimla Sinha, Adv.  
Mr. Akshit Pradhan, Adv.  
Mr. Navanjay Mahapatra, Adv.  
Mr. Ishaan Sharma, Adv.  
Ms. Shivika Mehra, Adv.

**For Respondent(s)**

**UPON hearing the counsel the Court made the following**

**O R D E R**

**Delay condoned.**

**Heard Ms. Madhvi Divan, the learned ASG appearing for the petitioners.**

**The I.A. No. 53050 of 2023, which would enable the petitioners to challenge the main order of the High Court dated 23.02.2021 in Writ Petition No. 4332 of 2021, stands allowed.**

The learned ASG would refer to the OM No. F.No. 1/17/2011-P&PW(E) dated 24/25.06.2013 issued by the Department of Pension and Pensioners Welfare which says that the benefit of a pension can be granted only on the strength of the police report. Here the police report was filed on 15.11.2015 and therefore it is contended that the High Court as well as the Central Administrative Tribunal should not have ordered, firstly, the pension from the year 2000 onwards and thereafter, the family pension since the year 2007.

The above would indicate that the petitioners are contesting the payable of pension and family pension prior to 15.11.2015 i.e., the date of police report and not for the period subsequent to the police report.

In view of the above, the petitioners are directed to make payment to the first respondent, who is the wife of the missing employee, in terms of the stand taken by them in this Special Leave Petition. After the arrear amount is disbursed, the matter be listed on mentioning by the petitioners.

In the meantime, the Central Administrative Tribunal, Hyderabad should not proceed with Contempt Petition No. 45 of 2021 in O.A. No. 757 of 2019.

(NITIN TALREJA)  
COURT MASTER (SH)

(KAMLESH RAWAT)  
ASSISTANT REGISTRAR