

**O/o Directorate of Treasuries and Accounts,
Ibrahimpattam @ Amaravati, Vijayawada.**

Endt.No:D2/1589163/2021

Dt:17/12/2021

A copy of the Memo.No.245804/Fin/HR.III-Pen.GPF/2021 of Finance(HR.III-Pension,GPF) Department dt:17-12-2021, is herewith communicated for information and necessary action.

Sd/-N.Mohana Rao

Director of Treasuries and Accounts

To

All the Deputy Directors of District Treasuries in the State(through FTP).
The Assistant Treasury Officer, APCRT,Ibrahimpattam

**GOVERNMENT OF ANDHRA PRADESH
FINANCE (HR.III –PENSION,GPF) DEPARMTENT**

Memo No. 245804/Fin/HR.III-Pen.GPF/2021, Dt: 17-12-2021.

- Sub: Family Pension – Orders of Hon'ble High Court in Common order dated 05.03.2021 in W.P.No.19671 of 2020 and batch – Family Pensions Instructions issued- Regarding
- Ref 1. G.O.Ms.NO.152 Finance (HR.III - Pension) Department, dt.25.11.2019.
- 2 Memo No. 1074035/FIN01-HR0MISC/3/2020-HR.III,dt:17/8/2020
- 3 Common orders dt.5.3.2021 passed by Hon'ble High Court in WP No.19671 of 2020 and batch.
- 4 Orders of Hon'ble High Court dt. 08.11.2021 in Writ Appeal No. 632 of 2021
5. Orders of Hon'ble High Court dt. 11.11.2021 in CC No. 1137 of 2021(WP No. 19371 of 2020)

Orders were issued vide reference 1st cited, restricting the maximum age limit of 45 years to Family pensioners under category-II in respect of Widowed and Divorced Daughter not covered under Category-I with retrospective effect. Further, based on the instructions issued in Memo 2nd cited, the Director of Treasuries and Accounts has stopped the payment of family pension to the Family Pensioners falling under the category from September, 2020.

2. The same has been challenged by the petitioners vide W.P.No. 19671 of 2020 & batch on the ground that in the G.O.1st cited, amendment is given retrospective effect from issue of the G.O.Ms.No. 315, Finance (Pension) Department, dated 07.10.2010. The Hon'ble High Court have delivered a common order in W.P.No. 19671 of 2020 & batch dated 05.03.2021 and set aside G.O.Ms.No.152, dated 25.11.2019 in which 45 years of age restriction was imposed in respect of Family Pension to widowed/divorced daughters.

The operative portion of the common orders read as follows:

“ The executive instructions will not override or prevail over the statute or statutory rules framed exercising power under Article 309 of the Constitution of India and that the G.O. Ms. No.152, Finance (HR.III – Pension) Department, dated 25.11.2019 is violative of Articles 14, 21 and 300-A of the Constitution of India.

In the result, the writ petitions are allowed setting aside the G.O. Ms. No.152, Finance (HR-III – Pension) Department, dated 25.11.2019 making it clear that the respondents shall continue to pay the family pension to the petitioners as paid to them earlier. Further, the State Government / respondents are directed to pay the arrears of family pension to the petitioners with interest at the rate of 6% per annum, from the day on which the family pension was stopped to them, within two (2) months from today. No costs.”

(P.T.O)

3. Aggrieved by the above, Government have filed Appeal vide WA No. 632/2021 against the Common orders delivered by Hon'ble single Judge dated 05.03.2021 in WP Nos. 19671 of 2020 and batch . Hon'ble Division Bench after the hearing, ordered to issue following notice to the Respondents on 08.11.2021.

"At this stage of the proceedings, we are not inclined to pass any interim order. However, we allow further one month's time from today to comply with the order passed by the learned single Judge".

4. Further in the Contempt Case in the reference 5th cited, the Principal Finance Secretary has attended before Single Judge Court on 11.11.2021 and Hon'ble judge has ordered to comply with the order dt. 05.03.2021

5. Keeping in view of the gravity of the case, as ordered by the Hon'ble High Court in its Common order dated 05.03.2021 and also keeping in view of the orders passed by the Hon'ble Division Bench in Writ Appeal filed by the Government, there is no option other than to comply with the orders dt.5.3.2021 and Orders in W.A No dt.8.11.2021.

6. After careful examination of the circumstances stated above, Government hereby order the Director of Treasuries and Accounts (D.T.A), to release the family pension to the family pensioners in this category for November, 2021 immediately to avoid hardship to the said family pensioners and calculate the arrears accrued from the day of stoppage up to the month of October 2021 to each petitioner (family pensioner) and arrears along with 6% interest as ordered by the Hon'ble High Court will be payable in 6 equal instalments along with the regular monthly pension from month of December 2021 onwards.

7. Accordingly, the Director of Treasuries and Accounts is directed to issue necessary instructions to the concerned for release of payment of family pension under category-II as stated above and take necessary precautions to avoid erroneous payments.

**SHAMSHER SINGH RAWAT
PRINCIPAL FINANCE SECRETARY**

To
The Director of Treasuries and Accounts,
Anjaneya Towers,
Ibrahimpattam, AP.

//Forwarded:: By Order//

A. Suresh Babu
SECTION OFFICER