

Court No. - 34

Case :- WRIT - A No. - 10200 of 2023

Petitioner :- Amar Nath Pandey

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Sneh Ranjan Shukla, Kashi Nath Shukla

Counsel for Respondent :- C.S.C., Pankaj Srivastava

Hon'ble Ajit Kumar, J.

1. Rejoinder affidavit filed today is taken on record.
2. Heard Sri Kashi Nath Shukla, learned counsel for the petitioner and learned Standing Counsel for the State-respondents.
3. Petitioner is seeking family pension as his mother namely Late Fulmati Devi @ Fula Devi was receiving pension on account of death of her husband Late Bhrigunath Pandey. The case of the petitioner is that his father late Bhrigunath Pandey retired on attaining the age of superannuation i.e. 58 years and after five years of his retirement, he was born and that is the reason why his name has not figured in the official records of Late Bhrigunath Pandey. He claims, therefore, to be a legitimate son of late Bhrigunath Pandey and that as per government order issued by the State Government he being a totally disabled person is entitled to family pension even after attaining the age of majority. Thus, he submits that the respondents are under obligation to consider and decide the pending claim of the petitioner for family pension.
4. *Per contra*, it is argued by the learned Standing Counsel that since the name of the petitioner does not find place in the official records of Late Bhrigunath Pandey and he was admittedly born five years after his retirement when his father was 63 years of age and his mother was 57 years of age, it was important for him to furnish a succession certificate so as to justify his claim being son of the deceased Bhrigunath Pandey and Late Fulmati Devi @ Fula Devi.
5. In rejoinder, learned counsel for the petitioner has placed reliance upon the family register entry of his name as well as certificates which have been issued in the year 2002 and 2022 respectively.

6. Having heard learned counsel for the respective parties and perused the record, I find that since the petitioner's name did not find place in the official record of late Bhrigunath Pandey when he attained age of superannuation and papers of pension were being finalised, the respondents cannot be said to be unjustified in asking for the succession certificate.

7. It is a case where the petitioner is born after retirement of his father and since the respondents have yet not rejected the claim of the petitioner, it would be appropriate for the petitioner to furnish requisite certificate to respondents duly obtained from a competent court of law. It is provided that after petitioner obtains succession certificate, he would be furnishing the same for the purposes of family pension and then his matter may be considered and disposed of.

8. Subject to what has been observed above, I do not find any good ground to issue any positive direction to award family pension to the petitioner at this stage.

9. Petition is accordingly, consigned to records at this stage.

Order Date :- 17.11.2023

P Kesari