

Court No. - 40

Case :- WRIT - C No. - 29337 of 2023

Petitioner :- Smt. Kanta Devi

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

Counsel for Petitioner :- Santosh Kumar Singh

Counsel for Respondent :- C.S.C., Suresh Kumar Maurya, Tarun Agrawal

Hon'ble Mahesh Chandra Tripathi, J.

Hon'ble Prashant Kumar, J.

1. Heard learned counsel for the petitioner, Shri P.K. Pandey, learned Standing Counsel for the State respondents, Ms. Akshita Goyal, Advocate holding brief of Shri Tarun Agrawal, learned counsel for State Election Commission, Uttar Pradesh and Shri Rajat Sonkar, Advocate holding brief of Shri Suresh Kumar, learned counsel for District Basic Education Officer, Azamgarh.

2. This writ petition has been filed praying for the following relief:-

"(a) Issue a writ, order or direction in the nature of mandamus commanding and directing the respondents to release the ex-gratia amount under the Government Order dated 01.06.2021 to petitioner on account of her husband's death due to Covid-19 infection in Panchayat Election 2021 forthwith.

(b) Issue a writ, order or direction in the nature of mandamus commanding and directing the respondent no.3 to consider and decide the representation of the petitioner for payment of ex-gratia amount in terms of Government Order dated 01.06.2021 within stipulated period."

3. Learned counsel for the petitioner in support of his submission has placed reliance on the order dated 17.05.2023 passed in Writ- C No. 16692 of 2023 (Saroj Devi versus State of U.P. & others). The same has been disposed of in the light of the judgment passed by the another co-ordinate Bench of this Court in ***Kusum Lata Yadav versus State of U.P. & others, Supreme Today, 2022 0 Supreme(All) 708***. It is submitted that the claim of the petitioner is squarely covered by the judgment and order passed in Saroj Devi's case (supra) and similar indulgence may also be extended in favour of the petitioner.

4. Per contra, learned Standing Counsel states that in case the matter is relegated to the District Magistrate/District Election Officer (Panchayat), Firozabad then definitely he will re-examine the matter in the light of order passed in **Saroj Devi's** case (supra).

5. Considering the facts and circumstances, without advertng on the merit of the case, with the consent of the parties, the writ petition is ***disposed of*** asking the District Magistrate /District Election Officer (Panchayat), Firozabad to take a final decision in the light of the judgment passed by this Court in the case of Kusumlata (supra) within a period of six weeks from the date of submission of certified copy of this order.

Order Date :- 16.10.2023

S.P.