

Court No. - 40

Case :- WRIT - C No. - 36651 of 2023

Petitioner :- Smt. Ramkali

Respondent :- State of U.P. and Another

Counsel for Petitioner :- Pradeep Kumar Pandey

Counsel for Respondent :- CSC

Hon'ble Mahesh Chandra Tripathi,J.

Hon'ble Ms. Nand Prabha Shukla,J.

1. Heard learned counsel for the petitioner and Mrs. Shubhra Singh, learned Standing Counsel for the State respondent.

2. The petitioner has prayed for the following reliefs :-

"(i) issue a writ, order or direction in the nature of certiorari quashing the impugned order dated 10.08.2021 passed by Additional District Magistrate, Kaushambi (annexure no. 9 to the writ petition).

(ii) issue a writ, order or direction in the nature of mandamus commanding and directing the respondents authorities specially respondent no. 2 District Magistrate, Kaushambi to decide the claim of the petitioner in accordance with Mukhyamantri Krishak Durghatna Kalyan Yojana, expeditiously within stipulated period as fixed by this Hon'ble Court."

3. Undisputedly, the petitioner's husband died in an accident on 20.7.2020 while crossing the railway line. The petitioner being widow has moved an application for ex-gratia payment under the Mukhyamantri Krishak Durghatna Kalyan Yojana on 30.7.2020.

4. Learned counsel for the petitioner states that initially the claim set up by the petitioner had been entertained and final report has also been submitted by the concerned Tehsildar and same has also been acknowledged by Sub-Divisional Magistrate for the payment of *ex-gratia* of Rs. 5,00,000/- to the petitioner on the ground that deceased's husband was farmer and died in rail accident on 20.7.2020. Learned counsel for the petitioner further states that the impugned order dated 10.8.2021 is unsustainable and in spite of the earlier approval, the categorical report has already been submitted while passing the order dated 10.8.2021 which is impugned in the writ petition. He had directed to the Sub-Divisional Magistrate, Sirathu, District Kaushambi to submit a categorical instruction. Till date the petitioner has not been given

ex-gratia payment. In support of his submission, learned counsel for the petitioner has placed reliance the **order dated 18.5.2023 passed in Civil Misc. Writ Petition No. 16906 of 2023 (Smt. Laxmi Devi vs. State of U.P. and 2 others)** wherein the similar impugned order has been set aside by the Co-ordinate Bench of this Court and directed the District Magistrate concerned to ensure the payment of *ex-gratia* to the petitioner. He also submits that similar indulgence may also be extended in favour of the petitioner.

5. So far as the factual and legal aspect of the matter, the same is not disputed by learned Standing Counsel. Admittedly, the order impugned was passed on arbitrary and illegal manner and till date the petitioner has been deprived.

6. We have proceeded to examine the record in question as well as the order passed in **Laxmi Devi (supra)**. We find that the present matter is squarely covered by the judgement passed in **Laxmi Devi (supra)**.

7. Accordingly, the present writ petition is partly allowed in terms of the order passed in **Smt. Laxmi Devi (supra)**.

Order Date :- 26.10.2023

Puspendra