

Court No. - 34

Case :- WRIT - A No. - 18952 of 2023

Petitioner :- Vishal Varshney

Respondent :- State Of U.P. And 5 Others

Counsel for Petitioner :- Krishna Mohan Ojha

Counsel for Respondent :- C.S.C.

Hon'ble Ajit Kumar,J.

Petitioner is physically handicap son of late Vijay Kumar Varshney and, therefore, he claims family pension as he cannot do any job on account of 40% disability.

Learned counsel for the petitioner submits that under the relevant rules and Government order petitioner is entitled for family pension being a disabled person. He further submits that in above regard petitioner has already approached the authority concerned, namely, respondent No.- 4 through representation dated 11th January, 2021 but the same has remained undisposed of. He has also relied upon the judgment of this Court in the case of of Mohd. Raees v. State of U.P. and others (Writ - A No.- 18377 of 2016) decided on 27th April, 2017.

Per contra, it is argued by learned Standing Counsel that petitioner has to appear himself before the Chief Medical Officer, Baghpat for medical examination under the order dated 29th May, 2023 passed by the Executive Engineer, Provincial Division, Public Works Department, Baghpat and in the event petitioner appears before the authority concerned, he will be medically examined and appropriate order will be passed in accordance with law.

In view of the above, this petition stands disposed of with a direction to the petitioner to appear before the authority concerned on or before 30th November, 2023 and in the event petitioner appears as directed hereinabove, the authority concerned shall proceed to dispose of the claim of the petitioner for family pension within next 30 days' time considering the legal aspect of the matter.

Order Date :- 9.11.2023

Atmesh