

Court No. - 35

Case :- WRIT - A No. - 18893 of 2023

Petitioner :- Khalida Khatoon

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Akhilesh Kumar Singh, Gaurav Sarkar

Counsel for Respondent :- C.S.C.

Hon'ble Vikas Budhwar, J.

Heard Sri Akhilesh Kumar Singh, learned counsel for the writ petitioner and Sri Awadesh Kumar Mishra, learned Standing Counsel, who appears for Respondents 1 to 4.

In view of the order, which is being proposed to be passed today, notices are not being issued to the fifth respondent.

The case of the writ petitioner is that her husband, namely, Late Reyajul Islam who was working in the fifth respondent institution, Madarsatul Masakeen Madarsa, Bahadurganj, Ghazipur, District Ghazipur after rendering 21 years 18 months and 04 days of service, died on 05.01.2009. The writ petitioner claims family pension, as according to her, the family pension is being paid to her in pursuance of Government order dated 30.10.1989 and 16.12.1999. Learned counsel for the writ petitioner submits that as per the revisions so made pursuant to the Government order dated 14.12.2011 and from time to time, the pension is to be revised.

Prayer in the present petition is for a direction for refixation and for revision of the family pension in this regard.

Shri Awadesh Kumar Mishra, learned Standing Counsel submits that the issues with the writ petitioner seeks to raise or to be

determined by the second respondent, Director Minority Welfare, Uttar Pradesh Lucknow who shall address to the claim. He further submits that he does not propose to file any response.

To such a submission, learned counsel for the petitioner has no objection and he gracefully accepts the same.

Considering the submissions of the rival parties as well as stand taken by them, the writ petition is being disposed off without seeking any response from the respondents granting liberty to the writ petitioner to prefer a comprehensive representation along with the self-attested copy of the writ petition before the second respondent, who shall on the receipt of the same after putting to notice the fifth respondent, proceed to decide the claim of the petitioner strictly in accordance with law within a period of two months from the date of presentation of the certified copy of the order in the light of the Government orders so issues from time to time and invoke. The second respondent shall also take into account the competing claims, if any.

Needless to point out that the writ petition has been decided without seeking any response from the respondents. Thus, passing of this order may not be construed to an expression that this Court has gone into the merits of the case.

With the aforesaid observation, the writ petition is **disposed off**.

Order Date :- 21.11.2023

A. Prajapati