

Court No. - 34

Case :- WRIT - A No. - 20534 of 2023

Petitioner :- Smt. Indu Katheria

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

Counsel for Petitioner :- Kamendra Tripathi

Counsel for Respondent :- C.S.C.

Hon'ble Ajit Kumar,J.

Heard learned counsel for the petitioner as well as learned Standing Counsel.

By means of this petition filed under Article 226 of the Constitution, the petitioner wants half of the amount of total post retirement dues to which the 4th respondent is entitled on the ground that she is legally wedded wife of respondent no. 4 and relations have gone estranged.

Learned Standing Counsel raises preliminary objection as to the maintainability of this petition for the simple reason that any amount to which petitioner may be entitled by way of maintenance can be adjudicated by her before the appropriate forum and a retired employee cannot be saddled with any such liability by the establishment/ employer, as the employer is duty bound to make payment of post retirement dues to its employee upon attaining the age of superannuation.

Having heard learned counsel for the respective parties, petitioner seems to be claiming half share in the post retirement dues of the petitioner which can only be done by way of common law remedy or otherwise maintaining a petition for maintenance.

This Court in exercise of power under Article 226 of the Constitution cannot grant such relief to the petitioner, may be she is a validly wedded wife of respondent no. 4.

Liberty rests with the petitioner to apply for common law remedy or bringing a suit for maintenance, as may be advised.

Subject to what has been observed above, this petition dismissed.
Consigned to records.

Order Date :- 12.12.2023

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