

Court No. - 8

Case :- WRIT - A No. - 2476 of 2022

Petitioner :- Kalawati Devi And 3 Others

Respondent :- State Of U.P. Thru. Prin. Secy. Deptt. Of Irrigation
Lko. And 4 Others

Counsel for Petitioner :- Onkar Singh Kushwaha

Counsel for Respondent :- C.S.C.,Saurabh Upadhyay,Vaibhav
Chauhan,Vishva Nath Pratap Singh

Hon'ble Dinesh Kumar Singh,J.

1. Heard Mr. Onkar Singh Kushwaha, learned counsel for the petitioners, Mr. Virendra Singh, learned Standing Counsel for respondents-State Authorities, as well as Mr. Vishva Nath Pratap Singh, learned counsel for private respondents, and perused the record.

2. This petition under Article 226 of the Constitution of the India seeks the following reliefs:-

"(I) Issue a writ order or direction in the nature of certiorari quashing the impugned order dated 17.01.2022 passed by the opposite party No. 2 (Executive Engineer, Irrigation Division, Ayodhya), Annexure No. 1.

(II) Issue any other writ, order or direction in the nature of mandamus commanding the opposite parties to sanction the monthly family pension as well as other death cum retiral dues of her husband (late) Ram Milan Nishad, to the petitioner no. 1.

(III) Issue any other writ.....

(IV) Allow this writ....."

3. The husband of the petitioner no. 1, Ram Milan Nisha, who was working as Sich Paryaveshak, died in harness on 31.10.2021. It appears that late Ram Milan Nishad had two wives. The name of first wife is Smt. Nanha Devi, respondent no. 3, while Smt. Kalawati Devipetitioner no. 1, is his second wife. From both wives, there are children. As there was a dispute between the parties in respect of release of death-cum-retirement dues and pension, the competent Authority rejected the claim of petitioner no. 1 vide order dated 17.10.2022.

4. Mr. Vishva Nath Pratap Singh, learned counsel for the private respondents, submits that the parties have settled their dispute amicably and, they have arrived at a written compromise, copy of

which has been placed on record as Annexure-CA-1 with the counter affidavit filed on behalf of private respondents, including Smt. Nanha Devi.

5. As per the said settlement/compromise, the family pension, GPF and other death-cum-retirement dues are to be divided in terms of the compromise between the parties and claim for compassionate appointment under the *Uttar Pradesh Recruitment of Dependents of Government Servants Dying in Harness Rules, 1974* has been made by petitioner no. 2, Akhilesh Kumar Nishad.

6. Mr. Vishva Nath Pratap Singh, learned counsel for the private respondents, further submits that the authorities be directed to pay death-cum-retirement dues, pension and compassionate appointment as per the compromise, arrived at between the parties.

7. Mr. Virendra Singh, learned Standing Counsel, representing respondents-State Authorities, states that a direction may be issued to the competent authority to take action as per the compromise entered into between the parties.

8. In view thereof, the present petition is **disposed of** with a direction to the respondent no. 2, Executive Engineer, Irrigation Division, Ayodhya to take necessary action as per the compromise/family settlement dated 14.12.2022 arrived at between the parties in respect of payment of death-cum-retirement dues, family pension and compassionate appointment.

9. Let certified copy of the compromise, along with certified copy of this order be, served/submitted before the respondent no. 2, Executive Engineer, Irrigation Division, Ayodhya for necessary compliance.

[D.K. SINGH, J.]

Order Date :- 19.5.2023

MVS/-