

Court No. - 8

Case :- WRIT - A No. - 2000580 of 2014

Petitioner :- Smt. Asha Dueby

Respondent :- State Of U.P.Throu.Its Prin.Secy.Finance Lko.And Ors.

Counsel for Petitioner :- Umeshwar Pratap Singh,Dr.Ravi Kr.Mishra,Shailendra Misra

Counsel for Respondent :- C.S.C.,Ram Ujagir Verma

Hon'ble Dinesh Kumar Singh,J.

1. Heard learned counsel for the petitioner and Shri Sandeep Sharma, learned Standing Counsel appearing for the State-respondents.
2. The present petition under Article 226 of the Constitution of India has been filed impugning the order dated 31.07.2013 whereby the representation moved by the petitioner in pursuance to the direction issued by this Court vide order dated 09.05.2013 passed in Writ Petition No.703 (S/B) of 2013 has been rejected on the ground that the petitioner was divorced before the death of Late Shri Prakash Dubey.
3. Late Shri Prakash Dubey was a Section Officer in Civil Secretariat, Lucknow and he demitted office on attaining the age of superannuation on 31.08.1983 and later he died naturally on 08.03.2007.
4. The petitioner was initially sanctioned family pension vide order dated 20.11.2007. The daughter of the petitioner moved an application on 28.04.2010 before the competent authority stating therein that the petitioner was divorced by her father vide divorce decree dated 09.04.1979 passed by the competent court, therefore, the petitioner was not the wife of the deceased-Shri Prakash Dubey. Admittedly, the said divorce decree has not been set aside.
5. Considering the aforesaid facts, after giving an opportunity of hearing to the petitioner, the order sanctioning family pension to the petitioner was withdrawn.
6. Considering the fact that the petitioner was divorced vide divorce decree dated 09.04.1979 from the competent court before the death of the deceased-Shri Prakash Dubey, the representation of the petitioner has been decided.
7. In view thereof, I do not find that the impugned order suffers from any illegality or arbitrariness, therefore, the present petition fails, which is hereby **dismissed**.

(Dinesh Kumar Singh, J.)

Order Date :- 13.7.2023/Piyush/-