

Court No. - 7

Case :- WRIT - A No. - 29125 of 2021

Petitioner :- Smt. Anita Pandey

Respondent :- State Of U.P.Thru Prin.Secy. Secondary Education And Ors.

Counsel for Petitioner :- Yogendra Kumar Mishra

Counsel for Respondent :- C.S.C.

Hon'ble Abdul Moin,J.

1. Heard.

2. No notice is required to be issued to respondent No.7 as with the consent of learned counsel appearing for the contesting parties, the instant writ petition is being finally decided.

3. The writ petition has been filed praying for a writ of mandamus commanding the respondents to pay the dearness relief along with family pension to the petitioner.

4. The contention of learned counsel for the petitioner is that the petitioner is the widow of Vijay Shankar Pandey, who was working as 'Assistant Clerk' in the respondent No.7's institution. He has contended that the husband of the petitioner has died in harness on 28.01.2019 and the petitioner staked her claim for compassionate appointment and has been appointed on compassionate ground in June, 2019.

5. The writ petition has been filed contending that though the petitioner is getting the salary along with dearness allowance but no dearness relief is being paid on the family pension which has been sanctioned to her on account of the death of her husband.

6. Shri Nitin Mathur, learned Additional Chief Standing Counsel on the basis of averments contained in counter affidavit argues that the Government order dated 17.03.2016 has been issued per which only certain category of pensioners have been granted dearness relief and the petitioner would not fall within the ambit of being granted dearness relief on the family pension.

7. However, a final decision on the petitioner's claim is still to be taken by the respondent apart from the fact that it has been indicated at Bar that a subsequent government order has been issued which provides for grant of dearness relief on the family pension which is payable to the spouse of the deceased appointed on compassionate grounds.

8. Considering the aforesaid, the writ petition is **disposed of** leaving it open for the petitioner to submit a comprehensive representation indicating her grievance to the respondent No.4 i.e. the District Inspector of Schools, Bahraich within a period of two weeks from today.

9. In case the petitioner submits a fresh representation within two weeks from today before the respondent no. 4 then the respondent no. 4 shall endeavor to decide the same by means of a reasoned and speaking order within a further period of three months from the date of receipt of a certified copy of this order along with representation.

Order Date :- 16.11.2023

Gurpreet Singh