

Court No. - 8

Case :- WRIT - A No. - 25436 of 2017

Petitioner :- Purnendu Prakash Bittharia

Respondent :- State Of U.P. Thru Prin.Secy.Secondary Edu.Civil
Sectt.Andors.

Counsel for Petitioner :- Vinod Kumar Pandey

Counsel for Respondent :- C.S.C.,Satyendra Kumar Tiwari,Sharad
Pathak

Hon'ble Dinesh Kumar Singh,J.

1. Heard Shri Vinod Kumar Pandey, learned counsel for the petitioner, Shri Satyendra Kumar Tiwari, learned Counsel appearing on behalf of respondent No.7 and Shri Uttam Kumar Srivastava, learned Standing Counsel appearing for the State-respondents.

2. The present petition under Article 226 of the Constitution of India has been filed seeking following reliefs:-

"(i) Issue a writ, order or direction, in the nature of mandamus commanding the opp. parties by directing them to get complete the papers relating to Death Gratuity amount and other retiral dues such as G.P.F. Group Insurance etc. of Smt. Usha Bittharia and make payment in favour of her husband (petitioner) and also allow the family pension to the petitioner.

(ii)...

(iii)..."

3. The petitioner is the husband of Late Usha Bittharia, who died on 11.04.2017 in harness as Assistant Teacher in Government Girls Inter College, Amethi. After the death of the wife of the petitioner, the petitioner made an application for granting him family pension and death-cum-retirement dues. The petitioner was sanctioned family pension, however, in the gratuity amount, the respondent No.7 was the nominee as the late wife of the petitioner had made her daughter as the nominee in gratuity account. The said nomination was challenged by the petitioner before the Additional Director, Treasury & Pension, Faizabad Mandal, Faizabad (now Ayodhya). The Additional Director, Treasury & Pension, Faizabad Mandal, Faizabad (now Ayodhya) ordered 75% of the gratuity amount to respondent No.7 and 25% of the gratuity amount to the petitioner. However, learned Counsel for the petitioner submits that nomination is based on forged papers.

4. The question of forgery or fabrication of a document cannot be

decided in writ jurisdiction. If the petitioner is aggrieved by some forged or fabricated document and if he feels that the document is forged, he make take resort to alternate remedy available to him, this Court cannot give its finding about the genuineness or otherwise of a document.

5. In view thereof, I find no substance in this writ petition, which is hereby **dismissed**.

(Dinesh Kumar Singh, J.)

Order Date :- 13.7.2023

Piyush/-