

Court No. - 7

Case :- WRIT - A No. - 8156 of 2023

Petitioner :- Beena Sahu

Respondent :- State Of U.P. Thru. Secy. Deptt. Of Urban Development
Lko. And 3 Others

Counsel for Petitioner :- Deepak Singh

Counsel for Respondent :- C.S.C.,Rishabh Kapoor

Hon'ble Abdul Moin,J.

Heard learned counsel for the petitioner, learned Standing Counsel for respondent no. 1 and Shri Krishna Vishwakarma, Advocate, holding brief of Shri Rishabh Kapoor, learned counsel for the respondents no. 2 to 4.

With the consent of learned counsel appearing for the contesting parties, the writ petition is being finally decided.

The instant writ petition has been filed praying for the following main reliefs:

"(i) to issue a writ order or direction in the nature of mandamus commanding the opposite parties to pay dearness allowance/relief on the service pension of the petitioner forthwith.

(ii) to issue a writ order or direction in the nature of mandamus commanding the opposite parties to pay arrears of dearness allowance/relief on the pension of the petitioner from the date it becomes due, till the date of actual payment, forthwith.

(iii) to issue a writ order or direction in the nature of mandamus commanding the opposite parties to make payment of interest at the rate which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case with effect from the date it become due up till date of actual payment of dearness allowance relief on the service pension of the petitioner forthwith."

The contention of learned counsel for the petitioner is that the petitioner had been appointed on compassionate grounds upon the death of her husband who died on 13.04.1981. The petitioner claims that the petitioner would be entitled for dearness allowance on the salary drawn by her as well as on the family pension which has been received by her upon death of her husband who was an employee under the respondents.

After arguing the matter at some length, learned counsel for the petitioner submits that with regard to the reliefs sought in the

writ petition, the petitioner may be permitted to submit a fresh representation before the respondent no.4 i.e. the Chief Account Officer, U.P. Jal Nigam (Urban) Lucknow which may be directed to be decided within a time frame fixed by this Court to which learned Counsel for the respondents has no objection.

In view of the above, it is provided that in case the petitioner submits a representation within two weeks from today before respondent no.4 then respondent no.4 shall endeavour to decide the same by means of a reasoned and speaking order in accordance with law and the relevant rules within a further period of three months from the date of submission of the representation along with certified copy of this order.

With the aforesaid direction, writ petition is **disposed of**.

It is made clear that this Court has not gone into the merits of the claim set forth by the petitioner.

Order Date :- 18.10.2023

J.K. Dinkar