

Court No. - 7

Case :- WRIT - A No. - 8744 of 2023

Petitioner :- Smt. Sushma Rani Shukla

Respondent :- State Of U.P. Thru. Prin. Secy. Higher Education Deptt. Govt. U.P. Lucknow And 3 Others

Counsel for Petitioner :- Alok Kumar Tripathi, Balendu Bhushan Tripathi

Counsel for Respondent :- C.S.C.

Hon'ble Abdul Moin, J.

1. Heard.

2. Contention of learned counsel for the petitioner is that husband of the petitioner was working as Assistant Teacher who died in harness on 01.09.2019. The petitioner staked her claim for being paid gratuity and group insurance but the same has not been paid and the order impugned dated 04.09.2023, a copy of which is Annexure No. 1 to the petition, has been passed whereby requiring the petitioner to produce succession certificate.

3. It has also been contended by learned counsel for the petitioner that the petitioner may not be asked to produce succession certificate as even though she is not recorded in the service record as the wife of the deceased employee yet her Aadhar Card, her service book and *khatauni* would all indicate that the petitioner is the wife of the deceased employee.

4. The Court had required learned counsel for the petitioner to bring some relevant case laws to the effect that despite the petitioner not being recorded as the wife of the deceased employee in the service records, the entry in Aadhar Card or in *khatauni* would suffice for the purpose of a person to be declared as a wife of the deceased Government servant.

5. Learned counsel for the petitioner has indicated that there is no such case law available.

6. Considering the aforesaid more particularly when the respondents have required the petitioner to produce succession certificate as the petitioner is not recorded as the wife of the deceased employee in the service records and there is no declaration by any competent Court per which the petitioner is declared as wife or widow of the deceased employee, this Court

is of the view that no illegality or infirmity exists in the order impugned.

7. Accordingly, the writ petition is **dismissed** with the liberty to the petitioner to produce succession certificate before the respondents.

Order Date :- 20.12.2023

Mohit Singh/-