

Court No. - 20

Case :- WRIT - A No. - 9096 of 2023

Petitioner :- Smt. Mithilesh Srivastava

Respondent :- State Of U.P. Thru. Addl. Chief Secy./Prin. Secy. Deptt. Of Irrigation Lko. And 3 Others

Counsel for Petitioner :- Vinod Kumar Shukla, Alok Kumar Pandey

Counsel for Respondent :- C.S.C.

Hon'ble Manish Mathur, J.

Heard learned counsel for petitioner and learned State Counsel appearing on behalf of opposite parties 1 to 3. In view of order being passed, notice to opposite party No.4 stands dispensed with.

Petition has been filed seeking quashing of the sanction order issued in favour of opposite party No.4 granting family pension to her in lieu of demise of late Chandra Kishore Shrivastava. Further prayer for a direction to opposite parties to sanction and release family pension in favour of petitioner after cancelling sanction in favour of opposite party No. 4 has also been sought.

It has been submitted that petitioner is first legally wedded wife of late Chandra Kishore Shrivastava whose name was also entered in the service book earlier as a nominee but was subsequently deleted in favour of opposite party No.4. It is submitted that since petitioner is the first legally wedded wife of the deceased, she has a primary claim to pensionary benefits of the said person.

Upon consideration of submissions advanced by learned counsel for petitioner and perusal of material on record, it transpires that there is certain dispute between petitioner and opposite party No.4 with regard to their status as the legally wedded wife of late Chandra Kishore Shrivastava. In such circumstances, it would be appropriate that petitioner file proceedings for succession with regard to state of late Chandra Kishore Shrivastava since no such evidence or declaration as sought can be made in writ jurisdiction.

In view of aforesaid, liberty is granted to petitioner to file appropriate proceedings seeking succession.

Considering aforesaid, the petition stands disposed of.

Order Date :- 29.11.2023

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