

Court No. - 2

Case :- WRIT - C No. - 11024 of 2024

Petitioner :- Santosh Kumar

Respondent :- State Of U.P. Thru. Secy. Home Deptt. Lko. And 2 Others

Counsel for Petitioner :- Jitendra Bahadur Singh

Counsel for Respondent :- C.S.C.

Hon'ble Rajan Roy, J.

Hon'ble Brij Raj Singh, J.

1. Heard learned counsel for the petitioner and the learned Standing Counsel for the State-opposite parties.
2. The claim of the petitioner is that his wife died in a road accident as such the petitioner is entitled to compensation under the Mukhyamantri Krishak Durghatna Kalyan Yojna, however, the claim has been declined by the impugned order at Serial No.10 on the ground that no land was recorded in the name of the deceased nor was she the main bread earner of the family.
3. Contention is that the Government Order dated 28.02.2020 does not use the word "main bread-earner". The means of sustenance of the petitioner is a small agricultural holding and the wife used to help out the petitioner in the agricultural activities, therefore, she was also an earning member of the family and the main source of livelihood is/was the proceeds from the agricultural holding and, therefore, the petitioner is squarely covered under Para-2(2) of the Government Order dated 28.02.2020, which includes such members of the khatedar or co-sharer, who were earning for the family and the main source of their livelihood was the agricultural land held by the tenure holder i.e. the petitioner. Therefore, the petitioner's claim is clearly covered by the said clause. We have perused the impugned order and we find that petitioner has a case for re-consideration. The claim has not been considered appropriately in the light of the Government Order dated 28.01.2020. The

recital in the impugned order that the deceased was not the "main bread-earner" is contrary to the provisions of Para-2(2) of the Government Order dated 28.02.2020 as the word "main bread-earner" is not mentioned therein. We, therefore, quash the impugned order dated 27.07.2022 passed by opposite party no.2 as far as the entries corresponding to Serial No.10 pertaining to the petitioner are concerned and direct the District Level Committee headed by the District Magistrate, Lucknow to reconsider the matter in the light of what has been stated hereinabove and the Government Order dated 28.02.2020 and take a fresh decision within two months.

4. Writ petition is ***allowed*** in the aforesaid terms.

.

(Brij Raj Singh, J.) (Rajan Roy, J.)

Order Date :- 20.12.2024

Rao/-