



2025:004-1 80:25752

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

WRIT - A No. - 14577 of 2025

Susheela

.....Petitioner(s)

Versus

State Of U.P. Thru. Addl. Chief Secy. Panchayat
Raj Lko. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	: Pawan Kumar Pandey, Aditya Kumar
Counsel for Respondent(s)	: C.S.C., Prashant Kumar Singh

Court No. - 18

HON'BLE SHREE PRAKASH SINGH, J.

Heard learned counsel for the petitioner, Mr. Prashant Kumar Singh, learned counsel for the respondent no.4 and Dr. Uday Veer Singh, learned counsel for the respondent State.

Present writ petition has been filed with the following prayers:-

"(i) Issue a writ, order or direction in the nature of Mandamus commanding the opposite parties to pay interest @ 9% per annum over delayed payment of ex-gratia amount to the petitioner;"

Contention put forth by the learned counsel for the petitioner is that the petitioner approached this Court by way of filing Writ-A No.29018 of 2021 wherein following order was passed:-

"Heard learned counsel for the petitioner and learned counsel for the respondents.

The present petition has been filed challenging the order dated 28.10.2021 passed by opposite party no.3 whereby the request of the petitioner for grant of ex-gratia amount on account of death of the husband of the petitioner who died during Covid-19 has been rejected on the ground that the death had occurred after 30 days of the duty.

Learned counsel for the petitioner drew my attention to the Judgment of this Court in the case of Kusum Lata Yadav vs. State of U.P. and 4 others in Writ-C No.28249 of 2021 decided on 25.07.2022 and the Judgment of this Court in the case of Indrawati Gupta vs. State of U.P. and Ors. in Writ A No.25311 of 2021 decided on 17.02.2023

wherein similar issue was considered by this Court and the Court had issued directions for payment of the claim of the ex-gratia it was held by the Court that claim of the petitioners could not be rejected on the ground that the death had occurred after 30 days of the duty.

Thus, following the said Judgments, the impugned order is set aside directing the respondent no.3 to pass a fresh order on the claim of the petitioner considering the documents placed by the petitioner. It is made clear that same shall not be rejected on the ground that the death had occurred after 30 days of the duty while passing the fresh order the Judgments of this Court in Kusum Lata Yadav (supra) and Indrawati Gupta (supra) shall also be considered, a fresh order shall be passed within a period of three months from today.

Accordingly, the writ petition stands allowed."

Referring the aforesaid, he submits that the petitioner was granted the benefit of the Judgment and order passed by this Court **in Writ-C No.28249 of 2021, Kusum Lata Yadav Vs. State of U.P. and four others**, on 25.7.2022 wherein along with payment of ex-gratia amount, it has also been held that the simple interest @ 9% shall also be paid to the petitioner in that writ petition from the date of Judgment upto the date of actual payment.

He submitted that the interest of justice would be sub-served if this Hon'ble Court may be pleased to direct the respondent no.2 to consider and decide the claim of the petitioner for payment of interest @ 9%, within stipulated period of time, as may be fixed by this Court.

On the other hand, learned counsel for the respondents opposed the contention aforesaid and submitted that, vide Judgement and order dated 25.7.2022 passed in the case of Kusum Lata Yadav (**supra**), direction was made for simple interest per month from the date of Judgment upto the date of actual payment. The judgement in the present case was passed on 2.5.2023 and amount of ex-gratia has been paid on 5.1.2024 and the issue with respect to interest, if any, is of about period of six months.

Be that as it may, without entering into merits of the case, the petitioner is given liberty to move fresh representation before the respondent no.2/ District Magistrate/District Election Officer (Panchayat Evam Nagriya

Nikay), Ambedkar Nagar, within a period of fifteen days and if such representation is made, the respondent no.2 is directed to consider and decide the same in accordance with law, within further period of six weeks.

It is clarified here that payment of interest of the petitioner, prima faice seems to be due from 2.5.2023 to 5.1.2024.

With the aforesaid observations, present writ petition is **disposed of** accordingly.

(Shree Prakash Singh,J.)

December 17, 2025

Ram Murti