



Sl. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
			<u>WPSB/290/2024</u> Deepak Adhikari --Petitioner Versus District Magistrate Bageshwar & others --Respondents <u>Hon'ble Manoj Kumar Tiwari, J.</u> <u>Hon'ble Pankaj Purohit, J.</u> Mr. Gulshan Pande, learned Counsel for petitioners. 2. Mr. S.S. Chaudhary, learned S.C. for the State. 3. Mr. Vinod Tiwari, learned Counsel for respondent no.3. 4. Father of petitioners, late Gopal Singh Adhikari, married twice. Petitioners are the children begotten out of first marriage; after death of biological mother of petitioners, their father married with respondent no.3- Smt. Janki Adhikari on 12.07.2005 and two children were born out of second wedlock. Petitioners' father was employed as Chief Administrative Officer in the office of Tehsildar Bageshwar, who died while in service on 23.07.2023. Upon death of father of petitioners, respondent no.3 (stepmother of petitioners) was given compassionate appointment as Group-D employee in Tehsil Garur of District Bageshwar, where she is still serving. In this writ petition, petitioners have sought a writ of mandamus directing respondent no.1 to disburse/release to them the amount of death-cum-retiral benefits of their father. 5. Petitioners contended that since their stepmother has been given appointment on compassionate ground on Group-D post, therefore, retiral dues should be released in their favour and a direction to that effect be issued to the authorities.



6. Respondent no.3-Ms. Janki Adhikari is represented by Mr. Vinod Tiwari, Advocate. He submits that during pendency of writ petition, a settlement has been arrived at between the petitioners on the one hand and respondent no.3 on the other, and terms of settlement have been set out in paragraph nos.6 and 7 of the affidavit dated 12.07.2026 filed by respondent no.3. For the sake of convenience, those paragraphs are quoted below: -

“6. That as per the mutually agreed terms of the settlement, the entire remaining retirement dues/amount of the deceased employee shall be divided in the ratio of 55:45 in the following manner:

a. 55% of the total amount shall be paid to the Petitioners (children from the first wife).

b. 45% of the total amount shall be paid to the children of the deponent (Respondent No. 3).

7. That the respondent No. 3 hereby confirms and states that the house loan taken by her late husband during his lifetime is repaying the said loan amount by the deponent (Respondent No.3) till date and she undertakes to clear all the remaining dues of the said house loan in the future as well. As such the said house shall remain in her possession, and in view of the statement made by the petitioners that they never make any claim over it in near future.”

7. Mr. Gulshan Pande, learned Counsel appearing for petitioners, also submits that the dispute has now been settled and petitioner no.2 has also filed an affidavit in this petition indicating terms of settlement which have been set out in paragraph nos.5 and 6 of the said affidavit. Since the contents of paragraph nos.5 and 6 of affidavit of petitioner no.2 are akin to the contents of paragraph nos.6 and 7 of the affidavit filed by respondent no.3, therefore, affidavit of petitioner no.2 is not being reproduced for the sake of brevity.



		8. Mr. Gulshan Pande, learned Counsel for petitioner, further submits that he has been instructed by petitioner no.1 also to make a statement that petitioner no.1 agrees to the terms and conditions of settlement, as set out in paragraph nos.5 and 6 of the affidavit filed by petitioner no.2. Thus, he submits that writ petition can be decided by directing the competent authority to take decision regarding apportionment of retiral dues of late Gopal Singh Adhikari amongst his legal heirs. 9. Learned State Counsel submits that he has no objection if writ petition is disposed of in terms of the prayer made by learned Counsel for petitioners. 10. We, accordingly, dispose of present writ petition by directing respondent no.1-District Magistrate, Bageshwar to apportion the retiral/terminal dues of late Gopal Singh, amongst petitioners and respondent no.3, in terms of the settlement which has been reproduced in paragraph no.6 of this order. Necessary order shall be passed by respondent no.1 within four weeks from the date of production of a certified copy of this order. 11. Pending application, if any, stands disposed of. (Pankaj Purohit, J.) (Manoj Kumar Tiwari, J.) 17.07.2026 Rdang
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