HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 8945 of 2019

Madhvi

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Kunwar Bahadur Srivastava
Counsel for Respondent(s)	:	C.S.C.

Court No. - 34

(Sl.No.122)

HON'BLE ANISH KUMAR GUPTA, J.

1. Rejoinder affidavit filed on behalf of the petitioner is taken on record.

2. Heard Sri Kunwar Bahadur Srivastava, learned counsel for the petitioner and Sri Jai Singh Chandel, learned Standing Counsel for the State.

3. The instant petition has been filed by the petitioner seeking quashing of the impugned order dated 23.02.2012 whereby the respondents have deducted an amount of Rs. 83,541/-, which was an amount of fine imposed upon the husband of the petitioner while he was in service prior to his death. Subsequent to the imposition of the aforesaid fine and before deposit of the aforesaid fine, the husband of the petitioner died and consequently, all the pensionary and retiral dues were paid to the petitioner herein by deducting the aforesaid amount of Rs. 83,541/-. Though against the said recovery of the fine amount, a representation was made by the petitioner on 21.02.2012, therefore, the impugned order was passed stating therein that the recovery so made shall be subject to the final orders passed on the representation of the petitioner by the Superintendent of Police, Rampur. The respondents did not bring on record any decision on the aforesaid representation of the petitioner against the recovery and admittedly, the petitioner claims to be the legal heir of her late husband Satyaveer Singh, against whom the fine amount was imposed. Thus, the law regarding succession is clear that the

successor succeeds not only the assets but the liabilities as well.

4. In such view of the matter, this Court do not find any good ground to interfere with the impugned order. However, since in the impugned order itself, it has been provided that the said recovery will be subject to the final orders passed by the Superintendent of Police, Rampur on the representation dated 21.02.2012 submitted by the petitioner herein.

5. If no final decision has been taken on the aforesaid representation, the Superintendent of Police, Rampur is directed to take appropriate decision and the impugned recovery shall abide by such decision so taken by Superintendent of Police, Rampur.

6. The writ petition is, accordingly, **disposed of.**

(Anish Kumar Gupta,J.)

October 23, 2026
Ashish Pd.

Digitally signed by :-
ASHISH PRASAD
High Court of Judicature at Allahabad