HIGH COURT OF JUDICATURE AT ALLAHABAD

SPECIAL APPEAL DEFECTIVE No. - 692 of 2026

Yogesh

.....Appellant(s)

Versus

State Of U.P. And 5 Others

.....Respondent(s)

Counsel for Appellant(s)	:	Brahma Kumar Tiwari
Counsel for Respondent(s)	:	Anil Kumar Mishra, Ashutosh Kumar Mishra, C.S.C.

Court No. - 39

HON'BLE SAUMITRA DAYAL SINGH, J.
HON'BLE SWARUPAMA CHATURVEDI, J.

Civil Misc. Delay Condonation Application No. Nill of 2026

1. The appellant seeking leave to appeal has approached the court with some delay.

2. Cause shown is sufficient. Delay in filing the present appeal is condoned. Delay condonation application is **allowed**.

3. Ground for grant of leave to appeal is sufficient.

4. Accordingly, leave to appeal is granted.

Order on Appeal

5. Heard Sri Brahma Kumar Tiwari, learned counsel for the appellant seeking leave to appeal, Sri Anil Kumar Mishra, learned counsel for the original petitioner/respondent and Sri P.K. Srivastava, learned Standing Counsel for the State.

6. Present intra-court appeal has arisen against the order of learned single judge dated 21.04.2026 in **Sharmila Vs. State of U.P. and 3 Others 2026:AHC:88446**. By that order, the learned single judge has disposed of the writ petition filed by the petitioner/private respondent with the following observation.

> *"6. Considering the facts of the case, without expressing any opinion on the merits of the case, this writ petition is finally disposed of with a direction to the respondent no.2-Additional Director (Treasury and Pension), Saharanpur Region Saharanpur to pass appropriate orders regarding payment of family pension to the petitioner in accordance with*

law, as expeditiously as possible, by means of passing a reasoned and speaking order, after giving proper opportunity of hearing to all the parties concerned, preferably within a period of two month from the date of production of certified copy of this order, if there is no other legal impediment."

7. On merits, it has been submitted that the present appellant is the first wife of the deceased Samundra Gupta. Therefore, she claims entitlement to retiral/terminal dues of the said Samundra Gupta, who died on 21.01.2015 after attaining the age of superannuation on the post of Head Master, on 30.06.2014.

8. The claim for the private respondent has been acknowledged by the writ court on the strength of Succession Certificate, Family Register etc.

9. As to the claim made by the present appellant seeking leave to appeal, it is an admitted case that at present there is no Succession Certificate in his favour. His mother also appears to have filed objections in the succession proceeding instituted by private respondent. Neither his name nor the name of his mother Smt. Chando has been disclosed as family members of the deceased, in the service records.

10. In view of the above, there is no error in the order of the learned single judge.

11. Accordingly, the Special Appeal is ***dismissed***.

12. Any order, that may be passed in favour of the private respondent/original petitioner would remain subject to final outcome of the civil proceedings, if any, as to succession.

(Swarupama Chaturvedi,J.) (Saumitra Dayal Singh,J.)

October 23, 2026

Suraj Srivastav

Digitally signed by :-
SURAJ SRIVASTAVA
High Court of Judicature at Allahabad