
(2000) 01 AHC CK 0051
In the Allahabad High Court
Case No : Writ Petition No. 2395 (S/S) of 1993

Chandrapati and Anr.

APPELLANT

Vs

District Inspector of School, Ambedkar Nagar & Ors.

RESPONDENT

Date of Decision : 31-01-2000

Acts Referred:

Citation : (2000) 01 AHC CK 0051

Hon'ble Judges : P.C.Verma, J

Final Decision : Disposed Of

Judgement

P. C. Verma, J.—Heard the learned Counsel of the petitioners Sri H.S. Sahai and Sri D.R. Misra and learned standing Counsel representing the respondents.

2. Perused the record.

3. The husband of petitioner No. 1 and father of petitioner No. 2 was holding a post of category IV and was employed in Rashtriya Inter College, Tendol, Ambedkar Nagar, who died in the year 1987. The claim of the petitioners in this regard is that the family pension has been rejected on the basis of Government Order dated 24289 where under the scheme for pension was enforced w.e.f. 1189. The ground for rejecting the claim of the family pension raised by the petitioners is that Jhulai Ram died much before the prescribed date i.e. 1189 and in the circumstances the petitioners are not entitled to any pension.

4. Similar controversy as involved in the present case in regard to the entitlement of family pension where an employee had died before 1189, had come up before this Court in the case of Savitri Devi v. Deputy Director of Education and others, (Civil Misc. Writ Petition No. 6013 of 1993, decided on 16th February, 1993). The learned Single Judge, while disposing of the aforesaid writ petition agreed with the view expressed by another learned Single Judge in the case of Smt. Kamla Devi v. Deputy Director of Education and others, Civil Misd. Writ Petition No. 35641 of 1991, decided on 11292 and upheld the claim in family pension as he had died before 1 to the entitlement of "en though the

employee hi89.

5. Again the matter came up for consideration before this Court ?in another case being Civil ;Misc. Writ Petition No. 4558 of 1996, Aim Rati Devi v. Deputy Director of Education and others, decided on 6296 and this Court again reiterated its earlier view. This Court vide its judgment and order dated 11292, passed in Writ Petition No. 35641 of 1991, Smt. Kamla Devi v. Deputy Director of Education VII Region, (forakhpur and others, has categorically held as under:

"There is no bar in the Government Order of 24th February 1989 that family of the Government servant who died prior to 1989 are not eligible for family pension. This being so the respondents are directed to pay family pension to the petitioner with effect from 1189, which shall be paid within a period of three months."

6. In the aforesaid view of the matter, considering the facts and circumstances brought on record, this writ petition is disposed of finally with a direction to the respondents to pay the family pension admissible to the petitioners with effect from 1189, within a period of one month from the date of production of a certified copy of this order. Petition disposed of.