
(2021) 10 UK CK 0197

In the Uttarakhand High Court

Case No : Writ Petition (M/S) No. 535 Of 2020

Jeevan Chandra Pandey

APPELLANT

Vs

State Of U.P. & Another

RESPONDENT

Date of Decision : 28-10-2021

Acts Referred:

Citation : (2021) 10 UK CK 0197

Hon'ble Judges : Manoj Kumar Tiwari, J

Bench : Single Bench

Advocate : S.K. Posti, Ashutosh Posti, Gopal K. Verma, T.S. Phartiyal

Final Decision : Disposed Of

Judgement

Manoj Kumar Tiwari, J

1. By means of this writ petition, petitioner has sought following reliefs:-

(i) Issue a writ, order or direction in the nature of mandamus directing the respondent No. 1 State of U.P. to grant and release the arrear of family pension of late Panuli Devi widow of freedom fighter, from the date of her application till the bifurcation of State of U.P.

(ii) Alternately, a direction may be issued to respondent no. 1 to 2, in the nature of mandamus to pay the arrears of family pension to petitioner's family from the date when it was applied, ie.f. from the year 1980.

2. Mr. Gopal K. Verma, learned Additional C.S.C. appearing for the State of U.P., on instructions, submits that the file, relating to grandmother of the petitioner, was transferred by State of U.P., upon reorganisation, to the State of Uttarakhand on 25.04.2001. He further submits that State of U.P. had requested to State of Uttarakhand to send back the record in respect of petitioner's grandmother so that petitioner's claim for family pension may be examined.

3. In view of the statement so made by learned Additional C.S.C. for the State of

U.P., the writ petition is disposed of with a direction to respondent no. 2 to send back certified copy of File No. 273/80 in respect of petitioner's grandmother regarding grant of family pension, to State of U.P., within four weeks. The Competent Authority in the State of U.P. shall consider petitioner's claim for grant of family pension available to dependants of freedom fighter and pass appropriate order, in accordance with law, within six weeks thereafter.