



HIGH COURT OF JUDICATURE AT ALLAHABAD

SPECIAL APPEAL DEFECTIVE No. - 3 of 2026

Smt Madhuri Tiwari

.....Appellant(s)

Versus

State Of U.P. And 4 Others

.....Respondent(s)

Counsel for Appellant(s) : Amit Singh
Counsel for Respondent(s) : C.S.C.

Court No. - 3

HON'BLE SAUMITRA DAYAL SINGH, J.

HON'BLE INDRAJEET SHUKLA, J.

1. Accommodation has been sough on behalf of appellant.

2. Put up as fresh on 05.02.2026 by way of last opportunity.

(Indrajeet Shukla,J.) (Saumitra Dayal Singh,J.)

January 8, 2026

S.P.



2026:AHC:25997-DB

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HON'BLE INDRAJEET SHUKLA, J.

1. Heard Sri Prabhakar Awasthi, learned Senior Advocate assisted by Sri Amit Singh, learned counsel for the original petitioner and Sri Arimardan Singh Rajpoot, learned Additional Chief Standing Counsel for the State-respondents.

Re: Civil Misc. Delay Condonation Application No. 01 of 2026

2. Present appeal has been filed with a delay of 38 days.

3. In absence of any objection raised, delay in filing the present appeal is condoned. Delay condonation application is **allowed**.

Order on Appeal

4. Challenge has been raised to the order dated 10.10.2025 passed by the learned single judge in **Madhuri Tiwari Vs. State of U.P. & 4 Ors.**; **2025:AHC:180427**, whereby the learned single judge has dismissed the writ petition on the following reasoning :

"2. Petitioner's husband, a pensioner died on 21.7.2022 and now she has approached this Court that in terms of order dated 28.12.2018 i.e. after about 7 years, regularization of petitioner's husband be considered from

7.8.1993.

3. It is not the case of petitioner that her husband had no knowledge about the said order and admittedly, he has not taken any steps in this regard during his service tenure or after retirement or before he died, therefore, a claim which has been accepted by the petitioner's husband cannot be agitated by petitioner on his behalf after his death.

4. Petitioner has no locus to claim such benefit."

5. The review application filed there against has also been dismissed, vide order dated 21.11.2025.

6. Submission is that error has crept in the order of the learned single judge to the extent it has remained to be noticed that the petitioner was not raising any fresh claim to revise the date of regularisation in service (of her husband) as Assistant Teacher. Further, error is described to have crept in the proceedings to the extent it has remained to be considered that there was no delay. The husband of the petitioner retired from service on 30.06.2014. Against the date of regularisation 30.12.2000 mentioned in the record, he had represented there against, at the relevant time. The said representation came to be dealt with by the Regional Regularisation Committee, vide its meeting dated 21.01.2019. It was resolved at that meeting that the date of regularisation of the husband of the petitioner late Trilok Nath Tiwari be corrected from 30.12.2000 to 07.08.1993.

7. Not only that resolution existed but it was acted upon as is apparent from the further communication dated 01.07.2019 issued by the Finance & Accounts Officer, Office of DIOS, Prayagraj as also vide communication dated 12.03.2025 issued by the DIOS, Prayagraj to the Principal of the DAV Inter College, Prayagraj where the late Trilok Nath Tiwari had rendered service. In such undisputed facts the original petitioner who is the wife of late Trilok Nath Tiwari approached this Court by means of the above

described writ petition for the following relief :

- "a) Issue a writ, order or direction in the nature of Mandamus directing the respondent authorities to implement the decision of the Divisional Regularization Committee dated 28/12/2018, whereby it was resolved that the regularization of late Shri Triloknath Tiwari (retired Assistant Teacher, D.A.V. Inter College, Prayagraj) be effected from 07/08/1993, and to accordingly revise his service records and recalculate the salary, pension, and retirement benefits payable;*
- b) Issue a writ, order or direction in the nature of Mandamus directing the respondents to release the arrears of salary, pension and other consequential financial benefits to the petitioner (legal heir of the deceased employee) arising out of the revised date of regularization, within a time bound period as may be deemed just and proper by this Hon'ble Court;*
- c) Issue a writ, order or direction in the nature of Mandamus directing the respondents to pay interest at an appropriate rate on the delayed payment of such arrears and pensionary benefits from the date the amount became due till the date of actual payment;*
- d) Issue a writ, order or direction to the respondents to fix the correct family pension of the petitioner based on the revised pension of her deceased husband and release the enhanced pension amount to the petitioner regularly and without further delay;"*

8. In the alternative, the following prayer was also made :

- "e) Decide the representations dated 15.04.2025 pending before respondent no. 3, 4 and 5."*

9. While no positive direction may have been issued at this stage to pay any quantified amount to the petitioner, at the same time, the direction prayed for was not a direction to pass any original order but only to give effect to the resolution of the Regional Regularization Committee dated 21.01.2019.

10. On the other hand, learned Additional Chief Standing Counsel would submit that there was delay on part of the petitioner in approaching the Court inasmuch as the husband of the petitioner died on 21.07.2022 whereas the writ petition was preferred in the year 2025.

11. Having heard learned counsel for the parties and having perused the

record, to the extent the petitioner is widow of the deceased employee Trilok Nath Tiwari who died in July, 2022, it is difficult to sustain the order passed by the learned single judge that she had no locus to maintain the writ petition. Legal representative of the deceased employee may always remain entitled to claim terminal dues including family pension by way of estate of the deceased. In absence of any dispute as to the right of the original petitioner to make such claim, the observation of the learned single judge that the original petitioner had no locus to claim such benefit is clearly erroneous.

12. As to the delay noted by the learned single judge clearly an error on principle has occurred inasmuch as it is not the case of the petitioner that the claim had been made (with respect to the service rendered by her husband) with delay of seven years. In face of the resolution of the Regional Regularization Committee dated 21.01.2019 clearly providing that the date of regularization of late Trilok Nath Tiwari be corrected from 30.12.2000 to 07.08.1993, the decision had already been made. Therefore, there was no issue of delay in making the claim.

13. As to the delay in making the claim for payment of pecuniary benefit arising from the resolution of the Regional Regularization Committee dated 21.07.2019, again, we find, there is no delay. Pursuant to the above referred resolution, Trilok Nath Tiwari during his lifetime had pursued the matter, resulting in communication dated 01.07.2019 being issued by the Finance & Accounts Officer, Office of DIOS, Prayagraj and communication letter dated 12.03.2025 issued by the DIOS, Prayagraj to the Manager/Principal of the DAV Inter College, Prayagraj.

14. As to the three year delay attributed to the petitioner, we are unimpressed

by the objection raised by the learned Additional Chief Standing Counsel to the extent, the order had already been made and objection of the petitioner was pending with the respondent, the prayer no. (e) prayed for had not been made with any laches, it having been made well within three years from the last communication/acknowledgement dated 12.03.2025, issued by the DIOS, Prayagraj. The money claim being under active consideration, it deserves a decision.

15. Accordingly, the order dated 10.10.2025 passed by the learned single judge is set aside. The present appeal and the writ petition are **disposed of** with a direction upon respondent nos. 3 and 4 to pass appropriate reasoned order and give all consequential benefits pursuant to the resolution of the Regional Regularization Committee dated 21.07.2019 (Annexure No. 5), as expeditiously as possible, preferably within a period of one month from today.

(Indrajeet Shukla,J.) (Saumitra Dayal Singh,J.)

February 5, 2026

Abhilash