



2026:AHC-LKO:31527

AFR

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

WRIT - A No. - 168 of 2002

Smt. Shushila Shukla

.....Petitioner(s)

Versus

The State Of U.P.Through Principal Secy.

.....Respondent(s)

Counsel for Petitioner(s) : Asif Hasan, Amar Nath Dubey
Counsel for Respondent(s) : C.S.C.

Court No. - 32

HON'BLE VIKAS BUDHWAR, J.

1. Heard Sri Amar Nath Dubey, learned counsel for the writ petitioner and Sri Badrish Kumar Tripathi, learned Standing Counsel for the respondents.

2. The case of the writ petitioner is that the husband of the original writ petitioner, who happens to be the wife of Sri Heera Lal Shukla was working in State Civil Police since 14.10.1972 as a Follower. On 02.10.1999, being the fateful day, the petitioner's husband was required from his residence to prepare a meal for the additional force who were camping in connection with election duty. The writ petitioner left his house at 11:30 p.m. and when the petitioner's husband was going to attend the duty on his bicycle, he was crushed by a Maruti Car at 11:30 p.m. near the AMC Supply Depot on the way from Charbagh side to Kanpur. A first information report stood lodged by the brother of the husband of the deceased with respect to fatal accident being Case Crime no.179/99 under Sections 279, 304-A, 427 IPC at P.S. Alambagh, Lucknow on 03.10.1999. The husband of the writ petitioner expired and a criminal proceeding stood triggered. Post death of husband of the writ petitioner before his date of his retirement, the writ petitioner staked his claim for grant of extra-ordinary pension and the said claim came to be rejected on 07.06.2002 by the order of the State Government.

3. Though initially, the petition was preferred seeking mandamus to extend the extraordinary pension in terms of Uttar Pradesh Police (Extraordinary Pension) Rules 1961, but consequent to the rejection of the claim, amendment came to be filed, which was allowed.

4. Learned counsel for the writ petitioner has sought to argue that the consideration which weighed with the respondent is negating the claim of the writ petitioner that the husband of the writ petitioner happened to be a follower, who was called from his house for preparing meal and he met with an accident on account whereof he died, thus the original writ petitioner, who happens to be the widow, who also expired and now the legal heirs are entitled to extraordinary pension in terms of Uttar Pradesh Police (Extraordinary Pension) Rules 1961.

5. Submission is also to the extent that follower is a post, which is equivalent to cook /Kahar and as per Uttar Pradesh Police Group-D Employees Service Rules 2009, there are 7887 posts earmarked and sanctioned.

6. Contention is that the writ petitioner is entitled to be accorded extraordinary pension in that regard. Reliance has been placed upon a Division Bench judgment of this Court in **Service Single No.40 of 2011, Krishna Murari vs. State of U.P.** decided on 06.02.2009.

7. Learned Addl. Chief Standing Counsel on the other hand submitted that whatever might be, the issue is on a larger aspect relatable to the fact that even if it is treated that the writ petitioner is a regular employee, then too in view of the provisions contained under Rule 3 of the 1961 Rules, further read with Rule 5, none of the contingencies for grant of extraordinary pension stands extracted as it is not the case of death due to attack/fight with dacoits/criminals/foreign hostiles/extremists/ terrorists/naxalites, death due to attack by aggressive public, death due to accident, while undergoing important training/demonstration, death during rescue and relief operations undertaken during natural calamities like flood/earthquake/landslide/snow storm etc. or man made disasters like train accidents, tanker blast etc., death while extinguishing fire or helping in extinguishing fire in any area, death due to attack in an area under curfew; and death due to attack while escorting prisoner. Contention is that mere accident would not come within the beneficial provision in that regard.

8. I have heard the submissions so made across the Bar and perused the record.

9. Before embarking an enquiry upon the rival submissions, it would apposite to extract the relevant statutory provisions:

"The Uttar Pradesh Police (Extraordinary Pension) Rules, 1961

....

3. *These rules shall apply to all the Gazetted/Non-Gazetted Police, PAC or Fire Service personnel of Uttar Pradesh, whether employed in a permanent or temporary capacity under the rule making control of the Governor, whose death occur while on duty under the following circumstances:*

(a) *death due to attack/fight with dacoits/criminals/foreign hostiles/extremists/terrorists/naxalites etc.;*

(b) *death due to attack by aggressive public;*

(c) *death due to accident, while undergoing important training/demonstration;*

(d) *death during rescue and relief operations undertaken during natural calamities like flood/earthquake/landslide/snow storm etc. or man made disasters like train accidents, tanker blast etc.;*

(e) *death while extinguishing fire or helping in extinguishing fire in any area;*

(f) *death due to attack in an area under curfew; and*

(g) *death due to attack while escorting prisoner.*

....

5. (5) *No award shall be made in respect of death caused by any reason other than those covered under Rule 3."*

"The Uttar Pradesh Police Group 'D' Employees Service Rules, 2009

4. *Cadre of Service.-- (1) Number of posts in each category of posts therein shall be such as may be determined by the Government from time to time provided that the appointing authority may leave unfilled by the Governor may hold in abeyance any post or class of post without thereby entitling any person to compensation.*

(2) *The strength of service and of each category therein shall until orders varying the same are passed under sub-rule (1), be as given below:*

Sl. No. 1, Name of the Post- Follower/ Cook/Kahar, Number of Posts - 7887"

10. Plainly and simply, the husband of the original writ petitioner and the predecessor in interest of the substituted petitioner was a follower, who met with an accident on the fateful day, when he was to attend the police station for cooking meal. Though at the time when the said incident took place and when the order impugned dated 07.06.2002 came to be passed. The Uttar Pradesh Police Group-D Employees Service Rules 2009 was not in existence, but in view of the provisions contained under Rule 4, further read with the chart so appended thereto, there happened to be 7887 posts of the follower /cook/kahar and the appointment in question as per the said Rule was substantive in nature. Further Rule 3 of the Uttar Pradesh Police (Extraordinary Pension) Rules 1961 also provides for grant of extraordinary pension to permanent or temporary employees. Thus on the said count, it appears that the order dated 07.06.2002 proceeds on misconception of fact that the follower is not covered under the 1961 Rules.

11. Now, a question arises whether in the wake of the provisions contained under Rule 3 read with Rule 5 of the 1961 Rules whether the writ petitioner is entitled to extraordinary pension or not. Notably, returning or going for preparing meal as a follower and confronted with an accident on road is not a incident or a factor to be considered for payment of extraordinary pension, particularly when Rule 5 itself creates a bar that no award is to be made in respect of the death caused by any reason covered under Rule 3. Since Rule 3 does not contemplate such an exigency, thus on this ground the writ petitioner is not entitled to relief.

12. Though this Court would have remanded the matter back to the authority to pass a fresh order, particularly in view of the fact that the follower also holds a post and as per Rule 3 of the 1961 Rules, temporary and permanent employees are covered, but since the writ petitioner does not come within the parameters or ambit of 1961 Rules for grant of benefits, thus it would be a futile exercise to remit the matter back. Accordingly, this Court is of the opinion that no good ground is made out to interfere in this regard, particularly while invoking Article 226 of the Constitution of India.

13. Resultantly, interference is declined. The writ petition stands **disposed of** leaving it open for the writ petitioner to avail other remedies which are available against the vehicle owner or the driver, as the case may be under the Motor Vehicles Act.

April 30, 2026

N.S.Rathour

(Vikas Budhwar,J.)