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**IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE**

**BEFORE
HON'BLE SHRI JUSTICE VIJAY KUMAR SHUKLA**

ON THE 30th OF SEPTEMBER, 2022

WRIT PETITION No. 17309 of 2022

BETWEEN:-

**PRABHAKAR BARDE S/O LATE SHRI KESHAVRAO
BARDE, AGED ABOUT 90 YEARS, OCCUPATION:
RETIRED G-2, SAI NIKETAN APARTMENT 158,
DHANVANTARI NAGAR, RAJENDRA NAGAR (MADHYA
PRADESH)**

.....PETITIONER

(SHRI. PRADEEP NAIK, LEARNED COUNSEL FOR THE PETITIONER)

AND

- 1. HIGHER EDUCATION DEPARTMENT THROUGH
ADDITIONAL CHIEF SECRETARY IIND FLOOR,
ANNEX-3, VALLABH BHAWAN, BHOPAL
(MADHYA PRADESH)**
- 2. SPECIAL DUTY OFFICER (PENSION) OFFICE OF
THE COMMISSIONER DEPARTMENT OF HIGHER
EDUCATION, GOVERNMENT OF M.P. 5TH FLOOR,
SATPURA BHAVAN, BHOPAL (MADHYA PRADESH)**
- 3. COMMISSIONER, HIGHER EDUCATION, OFFICE
OF THE COMMISSIONER DEPARTMENT OF
HIGHER EDUCATION, GOVERNMENT OF M.P. 5TH
FLOOR, SATPURA BHAVAN, BHOPAL (MADHYA
PRADESH)**
- 4. REGISTRAR DEVI AHILYA VISHWAVIDYALAYA,
INDORE VISHWAVIDYALAYA BHAVAN, NALANDA
CAMPUS, R.N.T. MARG, INDORE (MADHYA
PRADESH)**

.....RESPONDENTS

***(SMT. VINITA PHAYE, G.A FOR RESPONDENTS 1 TO 3 AND SHRI
DEVDEEP SINGH, ADVOCATE FOR THE RESPONDENT NO.4)***

This petition coming on for orders this day, the court passed the following:

ORDER

The present petition is filed by the petitioner who is 90 years old seeking nomination of his son aged 48 years who is mentally disabled as his beneficiary after his death. Earlier, the petitioner's wife was nominated but she had passed away in the year 2016. The petitioner has prayed a direction to the respondent No.2 and 3 to issue amended pension payment order (PPO) nominating his mentally disabled son instead of his wife. It is submitted that all the formalities were completed and by communication dated 2.3.2019 issued from the office of the Commissioner, Higher Education, Bhopal to Registrar of the University it was stated that the nomination form of the university is not signed by the competent officer. In reply to the said intimation, the university vide letter dated 1.4.2019 (Annexure P/30) had written to the respondent No.2 Commissioner, Higher Education, Bhopal that nomination form of the petitioner has been duly signed by the competent officer and the same was forwarded for further action. Till today office of the respondent No.2 had not taken any action in the matter for issuing amended PPO.

Counsel for State was granted time on 3.8.2022, 6.9.2022, 12.9.2022 and 20.9.2022 to seek instructions in the matter and to file short reply.

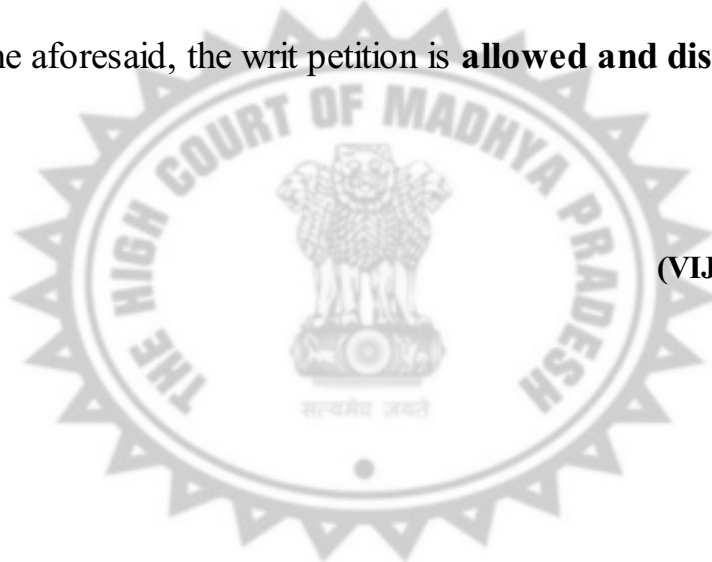
Today, counsel for respondent State submits that instructions have been received and letter dated 2.3.2019 issued by the office of the Commissioner, Higher Education has been sent to her to submit that the nomination form of the petitioner is not signed by the competent officer.

After hearing learned counsel for petitioner and the respondents and on perusal of the communication dated 1.4.2019 (Annexure P/30), it is crystal clear that the nomination form of the petitioner has been duly signed by the competent officer of the university and the same has been forwarded to the

office of the respondent No.2 for further action. The lackadiscial attitude on the part of the respondent No.2 in such matter is highly deprecated. Petitioner is a retired employee and is seeking a direction for nomination of his son in the nomination form.

Considering the aforesaid, the petition is allowed and the respondent No.2 is directed to issue revised PPO within a period of one month from the date of communication by nominating the petitioner's son Ajit Berde as nominee. Revised PPO and necessary directions be issued to the concerned authorities for payment forthwith.

With the aforesaid, the writ petition is **allowed and disposed off.**



(VIJAY KUMAR SHUKLA)
JUDGE

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