
(2011) 12 AHC CK 0338
In the Allahabad High Court
Case No : Writ - A No. - 72188 of 2011

Smt. Urmila Malviya

APPELLANT

Vs

State Of U.P. and Others

RESPONDENT

Date of Decision : 14-12-2011

Acts Referred:

Citation : (2011) 12 AHC CK 0338

Hon'ble Judges : Sudhir Agarwal, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Hon"ble Sudhir Agarwal, J.—Learned counsels for the parties request that this matter is covered by the judgements of this Court of Hon"ble Single Judge and Division Bench both, therefore, may be heard and decided finally at this stage under the Rules of the Court. I, therefore, proceed to decide the matter finally.

2. Heard Sri P.N. Dwivedi, learned counsel for the petitioner and learned Standing Counsel and Sri Shiv Krishna Bahadur, for the respondents.

3. The petitioner has sought a writ of mandamus commanding the respondents to pay arrears and revised pension according to the Vth Pay Commission, 1996 as well as the Government Order dated 13.04.2000 with interest which is actually paid to the petitioner within a specific period.

4. A similar controversy came up before this Court in Smt. Qamar Jahan Vs. State of U.P. and others, 2008 (2) ESC 977 (All) and by a detailed judgement this Court allowed the aforesaid writ petition with the followings directions:

20. In view of the above discussions, the writ petition is allowed. The respondents are directed to revise and fix family pension of the petitioner in the light of the judgment of this Court in Moti Lal Agarwal (supra) within a period of four months and continue to pay current the amount as determined above as and when it falls due. The petitioner shall also be entitled for interest on the

arrears of family pension at the rate of 8% with effect from 22.9.2006, i.e., the date of filing of the writ petition till the said amount is paid. The petitioner shall also be entitled to cost which is quantified to Rupees ten thousand payable by respondents no. 2 and 3.

5. A special appeal was preferred by respondents no. 2 and 3 against the aforesaid judgement i.e. Special Appeal No. (618) of 2008, Municipal Commissioner, Nagar Nigam Allahabad and another Vs. Smt. Qamar Jahan and another and the same has been dismissed by the Division Bench vide judgement dated 13.08.2008 confirming the aforesaid judgement in its entirety except the cost which has been reduced from Rs. 10,000/-to Rs. 1,000/-.

6. Learned counsel for the parties do not dispute that the present writ petition is squarely covered by the aforesaid judgements in Smt. Qamar Jahan (supra). In the circumstances, for the reasons contained in the judgement of this Court in Smt. Qamar Jahan (supra) this writ petition is also allowed. The respondents are directed to revise and fix family pension of the petitioner in the light of the judgment of this Court in Moti Lal Agarwal and others Vs. State of U.P. And others, 1996(2) ESC 612 within a period of four months and continue to pay current pension as determined above as and when it falls due. The petitioner shall also be entitled for interest on the arrears of family pension at the rate of 8% with effect from 24.10.2011, i.e., the date of filing of the writ petition till the said amount is paid.