

Court No. - 36

Case :- WRIT - A No. - 18657 of 2021

Petitioner :- Madhu Rani Gupta

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Anand Mohan Pandey, Om Prakash Katiyar

Counsel for Respondent :- C.S.C., Raj Narayan Gupta

Hon'ble Manjive Shukla, J.

1. Heard learned counsel appearing for the petitioner, learned Standing Counsel appearing for the Respondents No. 1 to 3 and Sri Raj Narayan Gupta, learned counsel appearing for the Respondent No. 4.

2. Petitioner, through this writ petition, has challenged the order dated 25.9.2021 passed by the District Basic Education Officer, Etah, whereby he has directed the Committee of Management of the institution to provide certain documents including copy of the service book so that final pension may be sanctioned in favour of the petitioner.

3. Counter affidavit has been filed on behalf of Respondent No. 4 in this matter. It appears from the record that there is some issue relating to availability of the service book of the petitioner and therefore, petitioner has been sanctioned provisional pension but till date her final pension has not been sanctioned.

4. This court finds that petitioner has retired from service way back on 31.3.2016 and only for some technical reasons, till date, petitioner's final pension has not been sanctioned. This court is of the view that this is a very serious situation where a retired employee is being compelled to run from pillar to post for release/ sanction of her final pension and that too without there being any plausible reason.

5. In the aforesaid circumstances, this court passed a detailed order on 1.12.2022, which is extracted as under:-

"Heard Sri Anand Mohan Pandey, learned counsel for the petitioner, Sri Shaileendra Singh, learned Standing Counsel for the State respondent and Sri Raj Narayan Gupta, who has put in appearance on behalf of respondent no. 4, Committee of Management.

It is contended by the learned counsel for the petitioner that the petitioner

superannuated as far back on 31.03.2016 but the pensionary dues has not been released in favour of the petitioner till date.

This Court vide order dated 18.04.2022 and 20.04.2022 had granted time to the respondents to file counter affidavit but no counter affidavit has been filed. Since matter pertains to retiral benefit of an employee, who had superannuated as far back in the year 2016, the Court is of the opinion that a last indulgence be granted to the respondents.

Accordingly, learned Standing Counsel as well as learned counsel representing respondent no. 4 are granted three weeks time to file counter affidavit.

List this case on 22nd December, 2022.

In case counter affidavit is not filed by the State respondent as well as respondent no. 4, the Court would be constrained to impose cost and even summoned the responsible officer."

6. Today Sri Dinesh Kumar Singh, District Basic Education Officer, Etah is present before this court. Sri Dinesh Kumar Singh has stated before this court that there are certain difficulties relating to non-availability of the papers including service book of the petitioner and therefore, till date final pension could not be released in her favour. Sri Dinesh Kumar, District Basic Education Officer, Etah undertakes before this court to complete the paper formalities and to release final pension in favour of the petitioner within a month from today.

7. In view of the aforesaid undertaking given by Sri Dinesh Kumar, District Basic Education Officer, Etah, this writ petition is finally **disposed of** with a direction to District Basic Education Officer, Etah to get all the papers relating to payment of final pension to the petitioner completed and to release the final pension infavour of the petitioner within a month from today.

8. It is also provided that the Manager of the Committee of Management of Sri Dayanand Arya Balika Vidyalay Aliganj, Etah shall extend full cooperation to District Basic Education Officer, Etah for release of the final pension to the petitioner and if due cooperation is not extended by the Manager, it shall be open for the District Basic Education Officer, Etah to take coercive measures against the Manager of the institution. Petitioner is also directed to cooperate with the District Basic Education Officer, Etah.

Order Date :- 5.12.2023

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