

**Court No. - 34**

**Case :-** WRIT - A No. - 2340 of 2023

**Petitioner :-** Smt. Shobhawati Pandey

**Respondent :-** State of U.P. and others

**Counsel for Petitioner :-** Prabhakar Dubey

**Counsel for Respondent :-** C.S.C.

**Hon'ble J.J. Munir,J.**

An affidavit of compliance has been filed on behalf of respondent No. 3, the Senior Treasury Officer, Ballia. It is taken on record. Let it be numbered by the office.

In paragraphs Nos. 15 to 17 of the affidavit, it is averred as follows :

15. That the deponent most respectfully submits that the Deputy Director of Education (Secondary), Azamgarh Mandal, Azamgarh vide order dated 29- 04-2024 asked the deponent/respondent no.3 to immediately release and pay the family pension to the petitioner in compliance of Hon'ble Court's orders dated 02-01-2024 and 23-04-2024. Copy of order dated 29-04-2024 of the Director of Education(Secondary), Azamgarh Mandal, Azamgarh is being annexed herewith and is marked as **Annexure No.3** to this affidavit.

16. That the deponent most respectfully submits that in compliance with order dated 02-01-2024 and 23-04-2024 passed by this Hon'ble Court in the instant writ petition, the deponent/respondent no.2 had released and paid the family pension alongwith arrears upto the month of March, 2024 total amounting to **Rs.10,65,420/- (from 01-01-2016 upto March, 2024)** to the petitioner vide **Token No.3124188384, dated 30-04-2024, arrears of revised pension as per Sixth Pay Commission amounting to Rs.3,84,265/- (from February, 2011 to December, 2015) vide Token No.3124188383, dated 30-04-2024.** Thus all amounts due and payable to the petitioner including family pension, arrears of family pension and arrears of revised pension as per Sixth Pay Commission has been paid to the petitioner and now no amount is due and payable to her. Copy of Token No.3124188384, dated 30-04-2024 regarding payment of Rs.10,65,420/- and Token No.3124188383, dated 30-04-2024 regarding payment of Rs.3,84,265/- to the petitioner are being collectively annexed herewith and is marked as **Annexure No.4** to this affidavit.

17. That the deponent further most respectfully submits that all the dues including family pension and arrears of family pension upto the month of March, 2024 amounting to **Rs.10,65,420/-** as well as arrears of revised family pension amounting to **Rs.3,84,265/-** has been paid to the petitioner and the aforesaid amounts have been transferred into the bank account of the petitioner. Copies of Credit Account Details regarding transfer of **Rs.10,65,420/- and Rs.3,84,265/-** in the bank account of the petitioner is being annexed herewith and is marked as **Annexure No.5** to this affidavit.

A rejoinder affidavit to the affidavit filed on behalf of respondent No. 3, enclosing with it *vakalatnama* has been filed on behalf of the petitioner by Mr. Jyotish Awasthi, Advocate. It is also taken on record. Let it also be numbered by the office.

In paragraphs Nos. 5, 7(A)(ix) and 7(C)(i) of the rejoinder affidavit, the petitioner has employed some scandalous language, which are as follows :

5. That, **it is very painful to write here** that the misdeeds of respondent no.-3 are **so high** or in other words respondent no.-3 is having very thick skin because Respondent No.-3 is **questioning and interpreting the wisdom and sanctity** of Hon'ble this court and **reviewing** the orders dated 02.01.2024 & 23.04.2024 passed by Hon'ble this court as **appellate authority** and petitioner who is **quite old woman and suffering with serious financial hardship** is become the "Musaddi Lal" of the T.V. show "Office-Office".

.....

7(A)(ix) That, after dismissal of above writ petition, **order dated 04.12.2010 passed by Respondent No.-2 in favour of petitioner for release of pension has attained its finality**, so petitioner has made humble request to Respondent NO.-2 to release the pension in her favour in compliance of order dated 04.12.2010 passed by Respondent No.-2 and submitted written representation dated 28.10.2022 & 17.12.2022 to Respondent No.-2 as well written representation dated 17.11.2023 & 07.12.2023 to Respondent No.-3 but her request has turned in deaf ears and petitioner who is **quite old woman and suffering with serious financial hardship** is become the "Musaddi Lal" of the T.V. show "Office-Office".

.....

7(C)(i) That, After dismissal of writ petition and vacation of interim stay order in CMWP No.-10181/2011 filed by Respondent No.-4, **Order dated 04.12.2010 has attained its finality and petitioner is eligible for family pension** but Respondent No.-3 is **adamant** not to release family pension in favour of petitioner **because** his illegal and unjustified demand has not been fulfilled by the petitioner who is **quite old woman and suffering with serious financial hardship** has been become the "Musaddi Lal" of the T.V. show "Office-Office".

(underlined part emphasized by Court)

This kind of a language, as emphasized above, cannot be permitted to remain on record. It is struck off the record as scandalous.

This Court can understand the anguish of the petitioner, but that does not justify the pleadings in Court being marred with employment of colloquial expressions and

scandalous pleadings.

The parties having exchanged affidavits, the petition is admitted.

Adjourned to **16.05.2024**.

To be taken up in the additional cause list for **further hearing**.

Until further orders of this Court, family pension shall be paid to the petitioner, month-by-month, without fail.

**Order Date :- 1.5.2024**

I. Batabyal