

(2013) 02 AHC CK 0329

Allahabad High Court (Lucknow Bench)

Case No: C.M.W.P. No. 7807 (S/S) of 2009

Sumitra Verma

APPELLANT

Vs

Union of India

RESPONDENT

Date of Decision: Feb. 25, 2013

Citation: (2014) 1 AWC 383

Hon'ble Judges: Shabihul Hasnain, J

Bench: Single Bench

Judgement

Shabihul Hasnain, J.

Heard Sri Ram Chandra holding brief of Sri Gauri Shankar, learned counsel for the petitioner and learned standing counsel for Union of India.

2. Petitioner has filed this writ petition praying for a writ of mandamus directing the opposite parties to allow family pension and other dues of her late husband to her. Petitioner is the wife of late Acharya Dev Verma, who was an employee of Census Department at Lucknow. He died-in-harness on 19.2.2003.

3. Petitioner has been running from pillar to post to get legal dues released in her favour. In this regard, supplementary-affidavit has been filed by the petitioner annexing two letters dated 31st March, 2011 as well as 21st April, 2011 written by one Sri R.S. Meena, Deputy Director (Admn.). By the first letter, the officer concerned has very categorically mentioned that in case the petitioner takes back the present writ petition, her case will be decided and the dues will be given. Later on, by the second letter, he once again emphasized that since the proposal of the Government has not been accepted by the petitioner, her dues are not being paid.

4. This is appalling kind of statement which has left the Court dumb founded. A senior officer of the Central Government speaking the language of "Zamindar" is beyond the imagination of this Court. Approaching this Court for a valid legal grievance is a right given to the citizen of this country. Article 32 of the Constitution of India reads as under :

32. Remedies for enforcement of rights conferred by this Part.--(1) The right to move the Supreme Court by appropriate proceedings for the enforcement of the rights conferred by this Part is guaranteed.

(2) The Supreme Court shall have power to issue directions or orders or writs, including writs in the nature of habeas corpus, mandamus, prohibition, quo-warranto and certiorari, whichever may be appropriate, for the enforcement of any of the rights conferred by this Part.

(3) Without prejudice to the powers conferred on the Supreme Court by Clauses (1) and (2). Parliament may by law empower any other court to exercise within the local limits of its Jurisdiction all or any of the powers exercisable by the Supreme Court under Clause (2).

(4) The right guaranteed by this Article shall not be suspended except as otherwise provided for by this Constitution.

5. There cannot be a precondition of the State that dues and family pension will be released only if the writ petition is taken back. Petitioner's husband died in 2003. We are in 2013. The petitioner has been made to suffer for almost ten years. This kind of insistence is absolutely unacceptable.

6. While directing the opposite parties to immediately release all the dues to the petitioner within a maximum period of fifteen days from the date a certified copy of this order is placed before the authorities, it is also directed that the Secretary, Census Department, Government of India-opposite party No. 1 would conduct a disciplinary inquiry on the basis of aforesaid two letters and also see to it that proper compensation is given to the petitioner from the officer who is withholding the dues of the petitioner on this irresponsible and illegal consideration. The report should be submitted before this Court within three months.

7. List this case after three months.