



2026:AHC:52536

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 18761 of 2025

Smt Mohaniya Devi

.....Petitioner(s)

Versus

State Of Up And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Devesh Kumar Shukla, Kamlendra Tripathi
Counsel for Respondent(s)	:	C.S.C.

Court No. - 33

HON'BLE VIKAS BUDHWAR, J.

1. Heard Sri Kapil Dwivedi (Enrollment No. UP 0592/23) holding brief of Sri Devesh Kumar Shukla, learned counsel for the petitioner and Sri Pramod Kumar Srivastava, learned Additional Chief Standing Counsel, who appears for State-respondents.

2. Instructions have been supplied by Sri Pramod Kumar Srivastava, learned Additional Chief learned Standing Counsel, submits that he is well equipped with the instructions and the instructions are self-sufficient for disposal of the writ petition and he does not propose to file any further affidavit and the petition be decided on the basis of the documents available on record, thus with the consent of the parties, writ petition is being decided at the fresh stage.

3. The case of the writ petitioner is that the husband of the writ petitioner, Ganshayam Das Shukla was a permanent IV class employee (Seench Praveshak) of Irrigation Department under Executive Engineer, Irrigation Division-Ist, Karvi. He was retired on 31.07.2012 and an order came to be passed on 22.11.2012 by Executive Engineer, Irrigation Division-Ist, Karvi, his G.P.F. amount Rs. 3,24,883/- came to be paid. Shri Ghanshyam Das Shukla, the husband of the writ petitioner expired on 20.06.2015. As per the writ petitioner, an order dated 15.09.2024, the family pension stood revised from 01.01.2016 and the family pension came to be calculated to the tune of Rs. 23,100/-. The family pension used to be transferred in the Bank account of the writ petitioner. However, on 18.10.2025, the police came to the house of the writ petitioner and apprised the writ petitioner that there had

been excess payment made referable to the amount of arrears of family pension to the tune of Rs. 47,19,974/-. Thereafter a recovery came to be issued by the respondent no. 3, Senior Treasurer, Treasury Chitrakoot, District Chitrakoot on 01.11.2025 directing the writ petitioner to deposit of an amount of Rs. 51,16,471/-. In para-18 of the writ petition, the writ petitioner has asserted that an FIR came to be lodged with relation to alleged misappropriation to the tune of Rs. 47,19,974/-. The writ petitioner claims that he has deposited Rs. 15 lakhs on 03.10.2025 through treasury challan in the Government account of State Bank of India Main Branch Karvi, the respondent no. 3 had withdrawn an amount of Rs. 6 lakhs from the bank account of the writ petitioner totaling to the deposit of Rs. 21 lakhs and as per the writ petitioner the remaining liability is Rs. 26,19,974/-.

4. Questioning the notice dated 01.11.2025, the writ petitioner has been filed the present writ petition.

5. Learned counsel for the writ petitioner, as per the instructions received from his client, has submitted that once an amount of Rs. 15 lakhs has been deposited then the said amount has been deducted from the actual amount which according to the writ petitioner in the first information report is Rs. 47,19,974/- but in the recovery notice is Rs. 51,16,471/-.

6. Learned Additional Chief Standing Counsel on the strength of the instructions submits that in para-5 of the instructions thus much has come that an amount of Rs. 6,20,000/- and Rs. 15,00,000/- to deposit. However, in the figure given in para-7, an amount of Rs. 51,16,471/- is the total amount paid, however, he submits that as per the averments made in para-9 and 11 of the writ petition, the total amount of pension which the writ petitioner is entitled to be paid is Rs. 23,100/- and excess amount has been paid to the rest of the amount post deposit of the amount already deposited by the writ petitioner is to be paid by the writ petitioner. He submits that it is for the writ petitioner to approach the District Magistrate, Chitrakoot, who shall consider the said aspect of the matter.

7. Having heard learned counsel for the parties and taking all over facts situation, the writ petition is being **disposed off** granting liberty to the writ petitioner to prefer a comprehensive representation along with the self-attested copy of the writ petition before the second respondent, who shall on the receipt of the same by 03.04.2026 proceed to decide the claim of the

petitioner, shall summon the records from the treasury department and after hearing the parties proceeded to pass an order strictly in accordance with law within a period of two months from the date of presentation of the certified copy of the order.

8. Needless to point out that the writ petition has been decided without seeking any response from the respondents. Thus, passing of this order may not be construed to an expression that this Court has gone into the merits of the case.

9. With the aforesaid observation, the writ petition is **disposed off**.

10. Instructions filed today are taken on record and marked as appendix A.

March 16, 2026

Ashu

(Vikas Budhwar,J.)