



2026:AHC:42232

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 2787 of 2026

Durga Prasad Gupta

.....Petitioner(s)

Versus

State Of U.P. And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Arvind Kumar Shukla
Counsel for Respondent(s)	:	C.S.C.

Court No. - 33

HON'BLE VIKAS BUDHWAR, J.

1. Heard Sri Arvind Kumar Shukla, learned counsel for the writ petitioner and Sri Gaurav Singh, learned Standing Counsel for the State.

2. The writ petitioner herein had earlier preferred Writ-A No.58845 of 2015, Durga Prasad Gupta vs. State of U.P. in which on 06.04.2016, the following order has been passed:-

"Heard learned counsel for the petitioner and the learned Standing Counsel for the opposite parties.

By means of this writ petition, the petitioner has sought a writ of mandamus commanding the opposite parties to pay the arrears of family pension to the petitioner of his late mother Smt. Meera Devi along with interest for delayed payment at the market rate.

Submission of learned counsel for the petitioner is that while working as ANM at Primary Health Centre, Harhuwa, Varanasi, petitioner's mother died on 21.04.1985 and the petitioner being sole son and legal heir, approached opposite parties for payment of family pension. Thereafter, opposite parties paid Rs.21091/- through demand draft dated 28.05.2010 but the rest of the service dues of his late mother as well as family pension have not been given causing serious harassment.

While entertaining the writ petition, this Court vide order dated 14.10.2015 granted six weeks' time to the learned Standing Counsel for filing counter affidavit and observed that petitioner being 33 years old, in any case, is not entitled for family pension after the age of 25 years but so far as his arrears of family pension is concerned, the matter requires consideration.

Inspite of time having been granted, no counter affidavit has been filed by the opposite parties.

In view of above, this Court feels that interest of justice would be serve, if the Chief Medical Officer, Varanasi examines the claim of the petitioner for payment of remaining service dues of late Meera Devi as well as payment of family pension, in

accordance with law.

In view of above, this writ petition is disposed of with liberty to the petitioner to raise his grievance before the Chief Medical Officer, Varanasi, who shall consider and decide the claim of the petitioner within a month, in accordance with law, from the date of production of a certified copy of this order.

The order so passed shall be communicated to the petitioner."

3. According to the writ petitioner, payments were though made in the year 2011, but despite several representations and knocking the doors of contempt court, the details were made available to the writ petitioner, but interest has not been paid.

4. Prayer in the present writ petition is for a direction to make the payment of interest for a period of 24 years, 9 months and 19 days.

5. Sri Gaurav Singh, learned Standing Counsel on the other hand submits that once as per the writ petitioner, the payments were made in the year 2011, thus it is implorable and beyond imagination that the writ petitioner is to wait for a period of such a long time, while approaching this Court for payment of interest.

6. I have heard the submissions so made across the Bar and perused the records carefully.

7. Apparently, the writ petitioner preferred Writ-A No. 58845 of 2015 for the purposes of payment of arrears of family pension and along with the interest on delayed payment at the market rate. The said writ petition was preferred in the year 2015, which came to be disposed of on 06.04.2016 and according to the writ petitioner, the entire payments were made in the year 2011, however interest has not been paid.

8. In the opinion of the Court, interest is not automatic. There has to be any lethargy and apathy on the part of the department in not paying the amount. Even otherwise in ***Bindal Agro Ltd. vs. State of U.P., (2004) UPTC 564***, the following was observed:-

"25. In the present case the petition was filed in the year 1990 and this is the year 2004. Money, doubles every six years (because of compound interest). Rs. hundred in the year 1990 would become Rs. two hundred in the year 1996 and it will become Rs. 400 in the year 2002. Hence if A had to pay B a sum of rupees 100 in the year 1990 and he pays that amount only in the year 2002, the result will be that A has pocketed Rs. 300 with himself. This clearly cannot be justified because had he paid that amount

to B in the year 1990 B would be having Rs. 400 in the year 2002 instead of having only Rs. 100. Hence, ordinarily Interest should always be awarded whenever any amount is detained or realised by someone, otherwise, the person receiving the amount after considerable delay would be losing the entire interest thereon, which will be pocketed by the person who managed the delay. It is for this reason that we have ordered for payment of interest along with the amount realised as export pass fee."

9. Considering the aforesaid aspect, a well conscious decision is to be taken bearing in mind that the fact that the representation preferred by the writ petitioner has already been rejected on 27.08.2016 and the said order has not been challenged. Though it does not specifically speak about refusal of the interest part. The decision shall be taken in accordance with law within a period of three months, from the date of production of certified copy of the order.

10. With the aforesaid observations, the writ petition stands **disposed of**.

February 25, 2026

N.S.Rathour

(Vikas Budhwar,J.)