



2026:AHC-LKO:21889

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

WRIT - A No. - 11426 of 2025

Sarala Bajpai

.....Petitioner(s)

Versus

State Of U.P. Thru. Prin. Secy. Co-Operative
Deptt. Lko. And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Manish Mani Sharma
Counsel for Respondent(s)	:	C.S.C.

Court No. - 18

HON'BLE KARUNESH SINGH PAWAR, J.

1. Heard Sri Manish Mani Sharma, learned counsel for the petitioner as well as learned Standing Counsel for the respondents.
2. It has been submitted by learned counsel for the petitioner that husband of the petitioner was working on the post of Amin since 1986 and expired on 08.11.2024. After his death the petitioner was getting pension according to U.P. Cooperative Societies Act, 1955, till the same was stopped without any order or reason being communicated to the petitioner and consequently she has approached this Court seeking direction to the respondents to pay arrears of her family pension from November, 2024 to till date and due salary and pension of her husband.
3. On the basis of instructions, learned Standing Counsel has submitted that due to paucity of funds family pension could not be paid to the petitioner.
4. Per contra, Learned counsel for the petitioner has submitted that by means of order dated 18.06.2021, Registrar, Cooperative Societies, Lucknow has withdrawn all money from District Cooperative Bank to the account of District Fund Account. As the petitioner was being paid pension from District Cooperative Bank account, and since no funds remaining, family pension of the petitioner could not be paid.
5. On the basis of instructions received from Assistant Commissioner and Assistant Registrar, Cooperatives, Itawa, admittedly, from November, 2024

the petitioner is not being paid family pension and due salary and pension of her husband.

6. It has been submitted by learned counsel for the petitioner that the funds from Districts has been transferred to State fund account and it is only because of the said transfer the petitioner and other similarly situated persons are not getting their pension. Accordingly, it has been stated that the petitioners are entitled for family pension only from the funds received as commission realized by the Amins and other employees etc. and because collection has been stopped by the order of the State Government no funds are coming to the said account or likely to come till the order is operative and the respondents have not addressed to the basic question in the present case as to how the petitioners and other similarly situated persons will be paid their family pension.

7. Learned counsel for petitioner has further submitted that according to the Rule 21-A of the Uttar Pradesh Co-operative Collection Fund and the Amins and Others Staff Service (First Amendment) Rules, 2005, which is with regard to the salary for benefits of Kurk Amin, it is provided that in case there is any difficulty in disbursement of salary to such persons, the State Government shall give a matching grant which may be returned back from the amount collected by the collection incharge in the State Treasury.

8. He submits that the Rule 21-A of the said Rules, covers the situation as has crept up in the present case. It is stated stand of the respondents in the counter affidavit, due to paucity of funds the payment of family pension cannot be made to the petitioner. It has also been pointed out that the said amounts has been withdrawn from the districts and deposited in the State level accounts. This difficulty can be removed by invoking provisions of Rule 21-A and accordingly, the State Government should provide a grant to the respondents to meet out their family pension and other dues and the same would be liable to be refunded in terms of the provisions made in the said Rules.

9. In light of the above, the writ petition is allowed. The respondent No. 1 is directed to pass necessary orders of sanctioning grant/money to the Registrar-cum-Commissioner, Cooperatives, Lucknow who shall ensure that the petitioner and other similarly situated persons are given her family

pension regularly including arrears and due salary and pension of her husband. The Registrar-cum-Commissioner, Cooperatives, Lucknow shall also ensure that the said grant is paid back in terms of Rule 21 -A.

10. Let necessary orders and action be done by the respondents expeditiously, say, within six weeks from the date a certified copy of this order is produced before them.

(Karunesh Singh Pawar,J.)

March 26, 2026
R.C.