

Court No. - 35

Case :- WRIT - A No. - 5374 of 2020

Petitioner :- Abdul Moeed Ansari

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Ashok Kumar Tripathi

Counsel for Respondent :- C.S.C.,Avneesh Tripathi

Connected With

Case :- WRIT - A No. - 18424 of 2023

Petitioner :- Saba Afreen

Respondent :- State Of U.P. And 5 Others

Counsel for Petitioner :- Ashok Kumar Tripathi

Counsel for Respondent :- C.S.C.,Avneesh Tripathi

Hon'ble Vikas Budhwar,J.

In Re: Substitution Application No. 7 of 2022

By means of present substitution application, the name of the deceased petitioner is sought to be struck off from the array of the parties and the name of applicant (Saba Afreen w/o Late Abdul Moeed Ansari) who has preferred the present substitution application be substituted, since there is no objection to the same. The substitution application is allowed.

The substitution be done during the course of the day.

Order on Memo of Appeal

1. Heard Sri Ashok Kumar Tripathi, learned counsel for the writ petitioner and Sri Shailendra Singh, learned Standing Counsel who appears for the State official respondents.
2. Principally, the challenge raised in the leading writ petition was to the order dated 16.11.2019 passed by the Director of Education (Higher), Uttar Pradesh, Prayagraj, whereby, the writ petitioner was denied the payment of post retiral benefits in the wake of certain proceedings which were going on against him during the pendency of the leading writ petition. The original writ petitioner Abdul Moeed Ansari expired on 15.10.2021, consequently, the substitution application preferred which has been allowed today.
3. Insofar as the second writ petition is concerned, the same is filed

by the wife of the original writ petitioner in the leading writ petition with a Mandamus to pay family pension. The matter was taken up from various stages i.e. on 20.11.2023, 30.11.2023, 2.12.2023, 5.12.2023 and 6.12.2023.

4. Today, Sri Shailendra Singh, learned Standing Counsel has produced before this Court an order under the signatures of Director of Education (Higher), U.P., Prayagraj, whereby, in light of the communication of the University dated 20.11.2023, now the writ petitioner in the connected writ petition who claims to be the wife of original deceased has been made entitled to the family pension and other pensionary dues. Copy of the order dated 7.11.2023 as referred to above has been served upon the learned counsel for the writ petitioner. Since now as per the order of the Director of Education (Higher), U.P. Prayagraj dated 7.12.2023, the deceased wife has been made admissible to the family pension and other post retiral benefits, thus, this Court is not quashing the order challenged in the leading writ petition.

5. At this juncture, learned counsel for the writ petitioner in both the writ petitions submits that writ petitioner is also entitled to interest in this record. He seeks to rely upon the certain documents which are in his favour calculating the interest in that regard. Be that as it may, this Court at this stage is not entering into the issue with regard to the payment of interest.

6. The writ petition stands disposed of while directing the Director of Education (Higher), U.P. Prayagraj to accord payment of pension and the post retiral dues within a period of six weeks from today.

7. So far as, interest component is concerned, the writ petitioner is at liberty to approach Director of Education (Higher), U.P. Prayagraj within one month from today substantiating the fact that she is entitled to interest as per relevant Statutes and in case the said exercise is undertaken by the writ petitioner, the same shall be decided strictly in accordance with law, within a further period of one month.

8. With the aforesaid observations, both the writ petitions stands disposed of.

9. Instructions filed today are taken on record and marked as Appendix 'A'.

Order Date :- 7.12.2023/S.A.