

Court No. - 9

Case :- CONTEMPT APPLICATION (CIVIL) No. - 3936 of 2023

Applicant :- Geeta Devi

Opposite Party :- Sri Harishchandra Nath, Dbeo

Counsel for Applicant :- Shilpa Singh Sikarwar

Hon'ble Rohit Ranjan Agarwal,J.

1. The writ Court on 13.02.2023 while disposing of Writ - A No. 1340 of 2023 passed the following order :

"Heard learned counsel for the parties.

Grievance of the petitioner is that the husband of the writ petitioner namely Arjun Pandey died in harness on 13.06.2013 while serving as Head Master at Primary School Rampur Kothi, Block- Bankata, District Deoria.

As per the writ petitioner all the retirement dues had been paid except death cum retirement gratuity. It has been argued that the only ground on which death cum retirement gratuity has been withheld is that the husband of the writ petitioner did not exercise option of retiring at 60 years (earlier 58 years).

Learned counsel for the petitioner has invited the attention of the court towards the order dated 7.11.2019 passed in Writ A No.17399 of 2019, Usha Rani Vs. State of U.P. and others so as to contend that the said ground is not available to the respondents.

Learned Standing Counsel as well as learned counsel for respondents on the other hand has not disputed the fact that the law mandated by this Court in Usha Rani (Supra) stands applicable in the present case however according to them the writ petition be disposed off requiring the second respondent, District Basic Education Officer, District Deoria to redress the grievances of the writ petitioner, as they do not propose to file their response.

Considering the submission of the rival parties, I am of the opinion that no fruitful purpose would be served by keeping the writ petition on board and the same is being disposed off granting liberty to the writ petitioner to file a comprehensive representation before the second respondent, District Basic Education Officer, District Deoria who shall decide the claim of the writ petitioner within a period of six weeks. It is further provided that the second respondent, District Basic Education Officer, District Deoria, shall decide the entitlement of the writ petitioner as well as the competing claim of other

persons with regard to payment of death- cum- retirement gratuity. In case, some other documents are required by the second respondent then the petitioner shall be apprised of the same so as to enable the writ petitioner to provide the necessary inputs in that regard.

With the aforesaid observations, the writ petition stands disposed off.

Needless to point out that this court has not adjudicated the matter on the merits."

2. Today a compliance affidavit on behalf of opposite party wherein it has been stated that entire payment of gratuity as well as interest has been made to the applicant and the said amount has been transferred into the account of the applicant on 16.09.2023 and 30.10.2023 respectively.

3. In view of the said fact, as the order of the writ Court has been complied with, the contempt application has rendered infructuous and stands dismissed.

4. Contempt notice stands discharged.

Order Date :- 20.11.2023

Kushal