

Neutral Citation No. - 2023:AHC:209073

**Court No. - 38**

**Case :-** WRIT - A No. - 10494 of 2006

**Petitioner :-** Hariraj Singh Gaahlot

**Respondent :-** State of U.P. and Others

**Counsel for Petitioner :-** Sunil Kumar Srivastava, Ashok  
Khare, Pradeep Kumar Pandey

**Counsel for Respondent :-** C.S.C., Surendra Prasad

**Hon'ble Kshitij Shailendra, J.**

1. Heard Shri Pradeep Kumar Pandey, learned counsel for the petitioner, learned Standing Counsel for the State-respondents and perused the record.
2. Pursuant to the previous order of this Court dated 21.07.2023, notices were issued to the respondent no.5. Office report indicates that notice has been delivered upon respondent no.5.
3. No one has put in appearance on behalf of the said respondent and, therefore, the Court proceeds to finally decide the writ petition, particularly in view of the fact that respondent no.5 being Committee of Management of the Institution, recently impleaded, has throughout supported the cause of the petitioner.
4. The petitioner was working as Principal in the respondent no.5-Intermediate Institution and on account of certain alleged financial irregularities, he was suspended by order dated 29.11.2005. Thereafter, enquiry report was submitted and taking into consideration the said

report and proceedings, Resolution was passed by the Committee of Management in the meeting dated 15.06.2008 to the following effect:-

"संयुक्त शिक्षा निदेशक द्वादशः मण्डल मुरादाबाद ने अपनी जाँच में मात्र थोड़ी सी वित्तीय अनियमितता मानी थी। उस वित्तीय अनियमितता को दूर करने एवं अनियमिता को दूर करने के लिए प्रबन्धक महोदय के आदेशानुपालन में पेड़ों की विक्री से सम्बन्धित धनराशि का प्रयोग विद्यालय की चाहर दिवारी में करने के उपरान्त भी उक्त धनराशि रु० 23350-00 (तेईस हाजर तीन सौ पचास रु० मात्र) विद्यालय हित में विद्यालय खाता सं० 4730 (पंजाब नेशनल बैंक धामपुर) में जमा कर रसीद सं० 84 दिनांक 29.4.2008 को विद्यालय कार्यालय में उपलब्ध करा दिया है।

अतः अत इनके ऊपर संयुक्त शिक्षा निदेशक द्वारा लगाये गये आरोप का भी निस्तारण हो चुका है।

इसलिए जब श्री हरिराज सिंह गहलौत को निलम्बन तिथि (29.11.2005) से तत्कालीन वेतन क्रम एवं अन्य भत्तो पर सवेतन बहाल कर दिया जाए।

प्रस्ताव को सर्वसम्मति से पारित कर दिया गया।"

5. It is, therefore, contended that since, once the Educational Authorities directed reinstatement of the petitioner and revocation of the suspension order, though there was no hurdle in the petitioner's reinstatement and the Manager of the Institution also wrote a letter dated 16.06.2008 to the District Inspector of Schools, Bijnor for reinstatement of the petitioner, specifically, mentioning that the petitioner was going to retire after 14 days i.e. 30.06.2008, no decision was taken by the District Inspector of Schools and, therefore, the petitioner could not join the Institution before his superannuation.

6. The writ petition though was filed challenging the suspension order, however, recently, it has been amended incorporating the facts with respect to retirement of the petitioner and certain reliefs have been added for making payment of post-retiral benefits.

7. Learned Standing Counsel by referring to the counter affidavit has referred to various proceedings held against the petitioner, in relation to the allegations levelled against him and submits that since the petitioner was involved in the financial irregularities, he was rightly suspended.

8. Having heard learned counsel for the parties, I find that the proceedings ultimately culminated into revocation of suspension and, once, there is nothing on record to indicate that there was any obstruction in the joining of the petitioner pursuant to the Resolution of the Committee of Management dated 15.06.2008, merely because on account of lapses on the part of the State-Authorities, formal letter of joining could not be issued in between 15.06.2008 and 30.06.2008 and the petitioner after attaining the age of superannuation retired from the post, withholding of the post-retiral benefits would be injustice to the petitioner.

9. The writ petition is, accordingly, **disposed off** directing the District Inspector of Schools, Bijnor (respondent no.2) to call upon Committee of Management of the Institution as well as the petitioner and take a decision for release of post-retiral benefits to the petitioner pursuant to the Resolution of the Committee of Management and letter of the Manager.

10. The decision shall be taken positively **on or before 31.01.2024** after verifying the relevant records provided a certified copy of this order is produced before the District Inspector of Schools, Bijnor (respondent no.2) alongwith a fresh application mentioning all the

benefits which have been claimed by means of this petition within a period of **three weeks from today**.

**Order Date :- 1.11.2023**

Jyotsana