

**Court No. - 36**

**Case :-** WRIT - A No. - 13611 of 2023

**Petitioner :-** Satendra Kumar Sharma

**Respondent :-** State Of U.P. And 3 Others

**Counsel for Petitioner :-** Kamal Kumar Keshewani

**Counsel for Respondent :-** C.S.C., Bipin Bihari Pandey, Udit Chandra

**Hon'ble Manjive Shukla, J.**

1. Heard learned counsel appearing for the petitioner, learned Standing Counsel appearing for the Respondents No. 1 & 2 and Sri Nitesh Patel, Advocate holding brief of Sri Udit Chandra, learned counsel appearing for the Respondents No. 3 & 4.

2. Learned counsel appearing for the petitioner has submitted that wife of the petitioner while working on the post of Assistant Teacher at Primary School, Pauri, Block Farh, District Mathura died on 04.07.2009. Since petitioner was not paid death-cum-retirement gratuity admissible to his wife, as such, he filed Writ-A No. 6006 of 2021 which was finally disposed of by this court with a direction to District Basic Education Officer to consider and decide his representation.

3. In compliance of the order dated 09.07.2021 passed in Writ-A No. 6006 of 2021, representation of the petitioner was decided by the District Basic Education Officer, Mathura and petitioner has been paid amount due towards death-cum-retirement gratuity.

4. Learned counsel appearing for the petitioner has argued that though the death-cum-retirement gratuity has been paid to the petitioner but in-spite of there being delay in the said payment, interest has not been paid.

5. Learned counsel appearing for the petitioner has invited attention of this court towards representation dated 26.12.2022 wherein petitioner has raised his claim for payment of interest over the delayed payment of death-cum-retirement gratuity before District Basic Education Officer, Mathura.

6. Learned counsel appearing for the petitioner has argued that the matter in respect of interest over the delayed payment of death-cum-retirement gratuity is pending before District Basic Education Officer, Mathura and has not been decided till date.

7. On the other hand, Sri Nitesh Patel, Advocate holding brief of Sri Udit Chandra, learned counsel appearing for the Respondents No. 3 and 4 has fairly submitted that since petitioner has already submitted a representation, therefore, grievance of the petitioner can very well be looked into and considered by the District Basic Education Officer, Mathura.

8. In view of the aforesaid submissions advanced by the learned counsels appearing for the parties, without entering into the merits of the case, this writ petition is finally ***disposed of*** with liberty to petitioner to file a fresh representation before the District Basic Education Officer, Mathura within a period of three weeks from today and if such a representation is filed, Respondent No. 3 is directed to consider and decide the said representation by passing speaking and reasoned order within a period of two months thereafter.

**Order Date :- 23.11.2023**

A. Mandhani