

Court No. - 36

Case :- WRIT - A No. - 13544 of 2023

Petitioner :- Shyam Sunder Sharma @ Shyam Sunder

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Ashok Kumar Upadhyay, Vivek Kumar Mishra

Counsel for Respondent :- C.S.C.

Hon'ble Manjive Shukla, J.

1. Heard learned counsel appearing for the petitioner and Sri Shishir Tripathi, learned Standing Counsel appearing for the respondents.

2. Petitioner through this writ petition has prayed for a direction by this court thereby commanding the Respondents No. 2 and 3 to pay an amount of Rs. 12,27,643/- along with interest admissible to the petitioner towards G.P.F. This court after hearing the parties' counsels, passed a detailed order on 06.10.2023 which is extracted as under:

"1. Heard learned counsel appearing for the petitioner and learned Standing Counsel appearing for the respondents.

2. This matter was heard by this court on 26.9.2023 and following order was passed:-

"1. Heard learned counsel appearing for the petitioner and learned Standing Counsel appearing for the respondents.

2. Petitioner, in this writ petition, has raised grievance that he, after attaining the age of superannuation, has retired from service on 31.1.2023. The District Basic Education Officer, Agra vide his order dated 13.1.2023 has sanctioned a sum of Rs. 11,57,196/- towards the payment of GPF but petitioner is running from pillar to post and his GPF amount has not been paid till today.

3. This writ petition was entertained by this court and vide order dated 24.8.2023, learned counsel appearing for the Respondents No. 2 & 3 was directed to take categorical instructions, in the matter as to on what ground, the GPF amount due to the petitioner has not been paid.

4. Today, learned Standing Counsel has produced before this court the instructions provided by the District Basic Education Officer, Agra vide his letter dated 28.8.2023, wherein it has been mentioned that there is some anomaly in respect of the calculation of interest of the teachers and other

employees who have retired during the year 2021-22, 2022-23 and 2023-24, therefore, guidance has been sought from the Finance Controller, Basic Education, U.P., Prayagraj in respect of the matter of petitioner.

5. On the basis of the instructions, learned Standing Counsel has submitted that he may be granted shortest possible time to take instructions from the Finance Controller, Basic Education, Prayagraj in respect of the GPF amount of the petitioner.

6. I have considered the instructions provided by the District Basic Education Officer, Agra vide his letter dated 28.8.2023 and I find that a sum of Rs. 11,57,196/- was sanctioned by the District Basic Education Officer, Agra on 13.1.2023 towards the payment of GPF to the petitioner but for one reason or the other, petitioner is being compelled to run from pillar to post and till date his GPF amount has not been paid.

7. After retirement of an employee, if his GPF amount is not paid within the reasonable time, it is bound to create lot of difficulties in his personal life and, therefore, it is obligatory upon the employer to pay the GPF amount to the retired employee immediately.

8. In the aforesaid circumstances, it is provided that the GPF amount admissible to the petitioner be paid within fifteen days from today and this court be informed accordingly.

9. List this matter on 6.10.2023, as fresh."

3. From the aforesaid order dated 26.9.2023, it is apparent that this court issued a positive direction to the respondents to pay the amount of GPF admissible to the petitioner within fifteen days and to provide information regarding payment to this court.

4. Today when the matter was taken up, learned Standing Counsel appearing in the matter submitted that no information in respect of payment of GPF amount to the petitioner has been provided to him and he prayed that the matter may be taken up after some time. Prayer of the learned Standing Counsel was accepted and thus, the matter was taken up at 12.20 p.m.

5. When the matter has been taken up, learned Standing Counsel is still not having any information in respect of payment of GPF amount admissible to the petitioner.

6. At this stage, when this court was proceeding to pass an order for personal appearance of the District Basic Education Officer, Agra as well as Finance Controller, Directorate of Basic Education, Prayagraj, learned Standing Counsel has requested that he may be granted only three days' time to take instructions from the Finance Controller, Directorate of Basic Education, Prayagraj and to ensure that payment of GPF amount admissible to the petitioner is made in terms of this court's order dated 26.9.2023.

7. In view of the request made by the learned Standing Counsel, list this matter on 13.10.2023 as fresh."

3. Sri Shishir Tripathi, learned Standing Counsel, on the basis of instructions, has submitted that the District Basic Education Officer, Agra has sanctioned an amount of Rs. 11,57,196/- towards payment under GPF to the petitioner and the said amount has already been paid to the petitioner, therefore, for all practical purposes, this writ petition has rendered infructuous.

4. Learned counsel appearing for the petitioner at this stage has submitted that as per his calculation, he is entitled for some more amount under the GPF and is also entitled for interest over delayed payment.

5. Keeping in view the fact that petitioner has already been paid Rs. 11,57,196/- towards GPF, this writ petition is finally ***disposed of*** with liberty to the petitioner to raise his grievance, if any, by filing a representation before the District Basic Education Officer, Agra and if such a representation is filed within fifteen days from today, direction is issued to Respondent No. 2 to consider and decide the said representation by passing speaking and reasoned order within two months thereafter.

Order Date :- 13.10.2023

A. Mandhani