

Court No. - 40

Case :- WRIT - C No. - 29559 of 2023

Petitioner :- Nawal Kishore Gupta

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

Counsel for Petitioner :- Ved Prakash Pandey

Counsel for Respondent :- C.S.C.

Hon'ble Mahesh Chandra Tripathi,J.

Hon'ble Prashant Kumar,J.

1. Heard learned counsel for the petitioner and Shri Ambrish Shukla, learned Addl. Chief Standing Counsel for State respondents.

2. Present writ petition has been preferred for quashing the order dated 25.5.2023 passed by respondent no.7 and for a direction to respondent to pay the balance amount of bill, which is pending since 2018-19 for payment.

3. Matter was taken up on 30.10.2023 and this Court has passed following order:-

"1. Heard learned counsel for the petitioner and Shri Ambrish Shukla, learned Addl. Chief Standing Counsel for State respondents.

2. Present writ petition has been preferred for quashing the order dated 25.5.2023 passed by respondent no.7 and for a direction to respondent to pay the balance amount of bill, which is pending since 2018-19 for payment.

3. In response to the earlier order, learned Addl. Chief Standing Counsel has produced the detailed instructions dated 18.10.2023 sent by the Chief Medical Officer, Shahjahanpur, which is taken on record. On the basis of instructions, it is submitted that payment of Rs.4,76,244/- has been paid to the petitioner.

4. Learned counsel for the petitioner has complained to us that the aforesaid payment has been made only on one head but the second bill has not been cleared. He submits that earlier also the Division Bench vide order dated 28.4.2023 in Writ-C No.14278 of 2023 (Nawal Kishore Gupta v. State of U.P. & Ors.) has directed to decide the claim of the petitioner but in spite of repeated indulgence, the respondents, instead of clearing the outstanding amount, had only paid part payment.

5. On the request of learned Addl. Chief Standing Counsel, put up this matter as fresh on 16.11.2023."

4. In response to the aforesaid order, Shri Ambrish Shukla, learned Additional Chief Standing Counsel, on the instructions, submits that the so far as the claim of petitioner, the original bills are not

available in the office of sanctioning/competent authority, therefore, the same could not be processed. He submits that in case the duplicate copies with full attestation is submitted before the Authority concerned, definitely the same would be processed in accordance with law.

5. Learned counsel for the petitioner states that the petitioner is ready to provide duly attested copy of entire bills to the Competent Authority within a week's time.

6. Considering the facts and circumstances, no useful purpose would be served in keeping the writ petition pending consideration. The writ petition, on consent, is ***disposed of*** with a direction that in case petitioner provides duly attested copy of bills within ten days in the office of sanctioning/competent authority, the Authority concerned would process the same as per law within six weeks time. Needless to say that we have not expressed any opinion on the merits of the case.

Order Date :- 16.11.2023

A. Pandey