

Court No. - 36

Case :- WRIT - A No. - 14600 of 2023

Petitioner :- Azam Khan

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

Counsel for Petitioner :- Prabhakar Kumar Mishra

Counsel for Respondent :- C.S.C., Akanksha Sharma

Hon'ble Manjive Shukla, J.

1. Heard learned counsel appearing for the petitioner, learned Standing Counsel appearing for the Respondent No. 1 as well as Smt Akanksha Sharma, learned counsel appearing for the Respondents No. 2, 3 and 4.

2. Learned counsel appearing for the petitioner has submitted that wife of the petitioner while working on the post of Headmistress in Junior High School, Matipur@Maini, Block-Mudha Pandey, District Moradabad died on 19.07.2019. Since petitioner was not paid the death-cum-retiral gratuity admissible to his wife, as such, he filed Writ-A No. 21619 of 2022 which was disposed of by this court vide order dated 21.12.2022 in terms of the judgement and order passed by this court in the case of *Usha Rani Vs. State of U.P. and 6 others*.

3. Learned counsel appearing for the petitioner has argued that petitioner in compliance of the aforesaid order dated 21.12.2022 passed in Writ-A No. 21619 of 2022 has been paid an amount of Rs. 19,65,600/- towards gratuity but has not been paid any amount towards interest over the delayed payment of gratuity.

4. Learned counsel appearing for the petitioner has invited attention of this court towards the fact that petitioner has already submitted a representation to the District Basic Education Officer, Moradabad wherein he has prayed that he may be paid interest over the delayed payment of gratuity.

5. Learned counsel appearing for the petitioner has argued that the aforesaid representation is pending before the District Basic Education Officer, Moradabad since 10.08.2023 but the same has not been decided till date.

6. On the other hand, Smt. Akanksha Sharma, though initially tried to oppose the writ petition but ultimately has consented that the entitlement, of the interest over the delayed payment of gratuity, of the petitioner can very well be seen and adjudicated

by the District Basic Education Officer, District Moradabad.

7. 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 a direction to the District Basic Education Officer, Moradabad to consider and decide the petitioner's representation by passing speaking and reasoned order within a period of two months from the date of service of certified copy of this order.

Order Date :- 16.10.2023

A. Mandhani