

Court No. - 36

Case :- WRIT - A No. - 14822 of 2023

Petitioner :- Raj Kumar Singh

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

Counsel for Petitioner :- Jitendra Pal Singh Jadaun, Sr.
Advocate

Counsel for Respondent :- C.S.C

Hon'ble Manjive Shukla, J.

1. Heard Sri R.K. Ojha, learned Senior Advocate, assisted by Sri Jitendra Pal Singh Jadaun, learned counsel appearing for the petitioner and learned Standing Counsel appearing for the Respondents No. 1 & 2.

2. Learned Senior Advocate appearing for the petitioner has submitted that petitioner was appointed on a Class-IV post in Chet Ram Singh Madhyamik Vidyalaya Jainpur, Tehsil Jalesar, District Etah and he continued in the said capacity and was paid salary from the State exchequer till the year 2018. It has been further submitted that in the year 2018, on the basis of some complaint, salary of the petitioner was stopped and in the meantime, petitioner after attaining the age of superannuation has retired from service on 31.8.2023.

3. Learned Senior Advocate appearing for the petitioner has further submitted that till date final decision in respect of payment of salary to the petitioner has not been taken by the District Basic Education Officer, Etah and further petitioner's post retiral dues have also not been finalised.

4. Learned Senior Advocate appearing for the petitioner has invited attention of this Court towards the latest representation dated 3.2.2023 filed by the petitioner before the District Basic Education Officer, Etah, whereby he has requested for release of his salary and post retiral dues.

5. Learned Senior Advocate appearing for the petitioner has argued that the matter is pending at the end of the District Basic Education Officer, Etah, therefore, it would be in the fitness of the things if a direction is issued by this court commanding the Respondent No. 2 to consider and decide the petitioner's representation by passing a reasoned and speaking order within the fixed time frame.

6. On the other hand, learned Standing Counsel has very fairly submitted that since the representation of the petitioner is pending before the District Basic Education Officer, Etah, therefore, ends of justice would be served if a direction is issued by this court to consider and decide the petitioner's representation within the fixed time frame.

7. In view of the aforesaid submissions advanced by the learned counsels appearing for the parties and without entering into the merits of the case, this Writ Petition is finally disposed of with liberty to the petitioner to file a fresh representation before the District Basic Education Officer, Etah, within fifteen days from today and if such a representation is filed within the aforesaid period, Respondent No. 2 is directed to consider and decide the representation by passing a reasoned and speaking order, within a period of two months thereafter.

Order Date :- 18.10.2023

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