

Court No. - 36

Case :- WRIT - A No. - 15661 of 2023

Petitioner :- Seema Devi Shankhwar

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

Counsel for Petitioner :- Surendra Nath Tripathi

Counsel for Respondent :- C.S.C., Ashish Kumar Singh

Hon'ble Manjive Shukla, J.

1. Heard learned counsel appearing for the petitioner, learned Standing Counsel appearing for the Respondent No.1 and Sri Ashish Kumar Singh, learned counsel appearing for the Respondents No.2 and 3.

2. Petitioner has filed this writ petition *inter alia* praying therein for the following reliefs:-

"i. issue a writ, order or direction in the nature of mandamus directing the Respondent No.2 to release the arrear of salary to the petitioner since 23.9.2015 till 31.7.2016.

ii. issue a writ, order or direction in the nature of mandamus directing the Respondent No.2 to pay interest of 12% on the arrear of salary to the petitioner since 23.9.2015 till 31.7.2016."

3. This court, while entertaining this writ petition, passed an order on 19.9.2023, whereby direction was given to Sri Ashish Kumar Singh, learned counsel appearing for the Respondents No.2 and 3 to take instructions from the respondents as to why arrears of salary have not been paid to the petitioner till date. Thereafter, this matter was listed on 10.10.2023 and following order was passed:-

"1. Sri Ashish Kumar Singh, learned counsel appearing for the District Basic Education Officer, Agra, on the basis of instructions, has submitted that if the petitioner prefers online application for payment of arrears of salary, the arrears shall be cleared off within three weeks from the date of submission of online application.

2. On the other hand, learned counsel appearing for the petitioner has submitted that petitioner has already filed online application for payment of arrears of salary.

3. In view of the aforesaid submissions, it is provided that if the petitioner has filed online application, arrears of salary be paid to the petitioner within three weeks.

4. List this matter on 2.11.2023 as fresh."

4. Today, Sri Ashish Kumar Singh, learned counsel appearing for the District Basic Education Officer, Agra has submitted that arrears of salary have been paid to the petitioner.

5. Learned counsel appearing for the petitioner has also

admitted that arrears of salary amounting Rs.4,11,708/- have been paid to the petitioner.

6. Learned counsel appearing for the petitioner has submitted that since arrears of salary have been paid to the petitioner with inordinate delay, therefore petitioner is also entitled for interest over the delayed payment.

7. Sri Ashish Kumar Singh, learned counsel appearing for the Respondents No.2 and 3 though has opposed the aforesaid submission of the learned counsel appearing for the petitioner for payment of interest, but has submitted that if at all petitioner is having any grievance in respect of interest over the delayed payment, then she can submit a representation to the District Basic Education Officer, Agra and that can very well be considered and decided.

8. In view of the aforesaid submissions advanced by the learned counsels appearing for the parties, this writ petition is finally disposed of with liberty to petitioner to file a fresh representation raising her grievance, if any, within fifteen days from today and if such representation is filed, direction is issued to the District Basic Education Officer, Agra to consider and decide the petitioner's representation by passing reasoned and speaking order within two months thereafter.

Order Date :- 2.11.2023

Salim