

Court No. - 35

Case :- WRIT - A No. - 15270 of 2023

Petitioner :- Chandra Shekhar Tripathi

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

Counsel for Petitioner :- Prabhakar Awasthi, Alok Shukla

Counsel for Respondent :- C.S.C, Om Prakash Singh

Hon'ble Vikas Budhwar, J.

Heard Sri Prabhakar Awasthi, learned counsel for the writ petitioner as well as Sri Saurabh, learned Standing Counsel, who appears for respondents 1 to 4 and Sri Om Prakash Singh, who appears for the respondent no.5.

This is a petition wherein the writ petitioner who happens to be the son of Late Dr. Ram Nakshatra Tripathi claims certain benefits. His certain benefits referable to payment of salary from November, 2008 to December, 2011 which is half of the salary of the father of the writ petitioner when he remain suspended which comes to Rs.9,36,234/- along with dearness allowance from 26.6.2015 to June, 2017 of Rs.7,75,990/- and full salary of the period when the father of the petitioner was permitted to remain suspended from March, 2015 to March 2021 which is Rs.53,10,677/- along with 18% of interest remains unpaid.

This Court entertain the writ petition and on 5.10.2023 the following order was passed:-

"This is a unique case wherein the father of the writ petitioner namely, Dr. Ram Nakshatra Tripathi (since deceased) who was appointed on the post of Principal after facing the selections by U.P. Secondary Education Service Selection Board on 25.06.2001 was placed under suspension on 07.11.2008 and the same was approved by the District Inspector of Schools on 04.12.2008 and thereafter on 18.02.2012 the suspension order was withdrawn, however, payment was not made to the writ petitioner for the period under suspension from 07.11.2008 to 08.02.2012 which compelled the father of the writ petitioner to prefer Writ A No. 7939 of 2018 which came to disposed of on 15.03.2018 pursuant where to on 30.03.2019 an order was passed by the District Inspector of Schools, Ballia according payment of amount referable for the period from 07.11.2008 to 11.09.2011 as per the writ petitioner his father's services stood dispensed with, however, the same stood disapproved by virtue of an order passed by the Commission on 28.03.2017 and subsequently also the District Inspector of Schools recommended the case of the father of writ petitioner for the payment of salary and in the

meantime the father of the writ petitioner stood expired and as per para 19 of the writ petition an amount of Rs. 9,36,234/- remain to be paid and thereafter on 26.06.2015 the father of the writ petitioner was placed under suspension which led to filing of Writ A No. 62721 of 2017 wherein series of orders are passed which are appended as Annexure 14.

The grievance of the writ petitioner is that though the amount stands quantified to be paid to the writ petitioner and the same stands verified, however, payment is not being extended to the writ petitioner who claims to be the legal heir of his deceased father, and thus, prayer is being made for payment of amount of Rs. 9,36,234/- referable to the differential payment for the period when the writ petitioner's father was under suspension for the period November, 2008 to December, 2011 to the tune of Rs. 9,36,234/- along with dearness allowance from 26.06.2015 to June, 2017 Rs. 7,75,990/- and full salary treating the writ petitioner's father to be in service and not under suspension and the amount from March, 2015 to March, 2021 Rs. 53,10,677/-. The instructions have been submitted by Sri Pradeep Kumar Shahi, learned Additional Chief Standing Counsel dated 18.09.2023 under the signature of District Inspector of Schools, Ballia that the matter is still engaging attention before Additional Director of Secondary Education, U.P., Prayagraj and he seeks time to obtain instructions and also give a timeline with regard to the payment of the said amount. Though This Court finds that the Committee of Management is not being impleaded as a party in the present petition in the interest of justice the Committee of Management of the institution in question be impleaded as fifth respondent.

Sri Pradeep Kumar Shahi, learned Additional Chief Standing Counsel shall also seek inputs from the newly added fifth respondent and give a timeline with regard to the payment of the said amount.

Put up this case on 11.10.2023 as fresh.

The instructions filed today are taken on kept and treated as part of the record."

Today when the matter has been taken up the instructions have been forwarded by Sri Saurabh, learned Standing Counsel who appears for the respondents no. 1 to 4 under the signature of the Additional Director of Education (Secondary) U.P. at Prayagraj dated 10.10.2023 wherein post passing of an order dated 13.9.2023 in the present writ petition on 22.9.2023 certain communication had been made by the second respondent to the third respondent, District Inspector of Schools, Ballia. It is further being recited in the instructions that on 9.10.2023 the District Inspector of Schools, Ballia furnished certain documents however the said documents were found to be insufficient from processing the claim of the writ petitioner, just two months time is also accorded as according to the respondents as they are in the process of getting the amount processed and paid to the writ petitioner.

Sri Saurabh, learned Standing Counsel in his usual fairness has made a statement at bar that the second respondent shall expedite the process in collaboration with the third respondent and make the entire payments due and admissible within a period of three weeks

from today itself taking the matter under top priority looking into the fact that the father of the writ petitioner is no more.

To such a submission, learned counsel for the petitioner has no objection.

Considering the submissions of the rival parties as well as stand taken by them, it is provided that the second respondent, Additional Director of Education (Secondary) U.P. at Prayagraj shall forthwith take all possible steps while making communications and taking follow up action and pass appropriate orders within a period of three weeks from today. The District Inspector of Schools, Ballia third respondent shall also provide the entire documents so that the claim set up by the writ petitioner including interest be considered and payment be made obviously subject to law and the competing claims if any.

With the aforesaid observation, the writ petition is **disposed off**.

The instructions under the signature of the Additional Director of Education (Secondary) U.P. at Prayagraj dated 10.10.2023 kept on record and marked as Appendix-A.

Order Date :- 30.10.2023
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