

Court No. - 36

Case :- WRIT - A No. - 15206 of 2023

Petitioner :- Ram Harakh

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

Counsel for Petitioner :- Ram Kirit Singh

Counsel for Respondent :- C.S.C.

Hon'ble Manjive Shukla,J.

1. Heard learned counsel appearing for the petitioner and learned Standing Counsel appearing for the Respondents No. 1, 2 and 3.
2. In view of the proposed order, notice to Respondent No. 4 is dispensed with.
3. Petitioner has been appointed on the post of Assistant Teacher in Ambedkar Smarak Kramik Harijan Primary Pathshala, Ghanee Khurd, Block Mirzapur, District Azamgarh on 12.7.2005. Petitioner's appointment has been duly approved by the District Basic Education Officer, Azamgarh vide order dated 30.7.2005. Petitioner, pursuant to his appointment, has submitted joining on his post and since year, 2005 he has been continuously discharging duties attached to his post.
4. Learned counsel appearing for the petitioner has submitted that Ambedkar Smarak Kramik Harijan Primary Pathshala, Ghanee Khurd, Block Mirzapur, District Azamgarh is receiving recurring financial grant from the Department of Social Welfare, Government of U.P. and out of the said grant, salary of the teachers is being paid.
5. Learned counsel appearing for the petitioner has further submitted that the Manager of the institution time and again has written letters to the authorities of the Department of Social Welfare, U.P. for granting necessary sanction for payment of salary to the petitioner but till date nothing has been done.
6. Learned counsel appearing for the petitioner has invited attention of this court towards the letter dated 19.12.2016, written by the District Social Welfare Officer, Azamgarh to the Director, Department of Social Welfare, U.P., Lucknow which shows that the matter in respect of the decision for payment of salary to the petitioner is pending at the end of the Director, Social Welfare U.P. Lucknow and till date decision has not been taken.
7. On the other hand, learned Standing Counsel has very fairly

submitted that if matter of the petitioner for payment of salary is pending before the Director, Social Welfare U.P. Lucknow then the ends of justice would be served if a direction is issued by this court to Respondent No. 2 to consider and decide petitioner's representation within a fixed time frame.

8. Be that as it may, since it appears from the record that matter in respect of payment of salary to the petitioner is pending at the end of Respondent No. 2, therefore, petitioner is permitted to file a fresh representation within fifteen days from today and if such representation is filed, the Respondent No.2 is directed to consider and decide the said representation by passing speaking and reasoned order within two months thereafter.

9. With the aforesaid observations, this writ petition stands **disposed of** finally.

10. It is made clear that this court has not adjudicated the case of the petitioner on merits, therefore, while deciding the representation Respondent No. 2 is expected to look into each and every aspect of the matter and he will take decision only if decision has already not been taken.

Order Date :- 18.10.2023

n.u.