

Court No. - 21

Case :- WRIT - A No. - 15533 of 2023

Petitioner :- Chandrapal

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

Counsel for Petitioner :- Sanjai Kumar Rai, Shivendra Nath Singh

Counsel for Respondent :- C.S.C.

Hon'ble Donadi Ramesh, J.

1. Heard learned counsel for the petitioner and learned Standing Counsel for the State-respondents.

2. The instant petition has been filed for a mandamus commanding the authority concerned to pay the entire post retiral dues of the petitioner and also directing the respondent no.3-Sub Divisional Magistrate, Tehsil Devband, District Saharanpur to decide the petitioner's representation dated 19.07.2023.

3.The petitioner was appointed as Lekhpal in the year 1981. He was continuously working and discharging his duties since his initial appointment. Due to certain medical issues,the petitioner moved an application dated 29.10.2003 before the respondent no.3-Sub Divisional Magistrate, Tehsil Devband, District Saharanpur for voluntary retirement and on 20.01.2004 the respondent no.3 issued a letter dated 20.01.2004 to the petitioner to reconsider the application dated 29.10.2003. The petitioner could not reply the said letter due to his mental illness and left his house also and after recovery from mental illness, the petitioner has made an application to the respondent no. 3 on 01.06.2023 for release of his retiral benefits.

4. Considering the submissions made by learned counsel for the

petitioner, this Court vide order dated 4.10.2023 directed the District Magistrate, Saharanpur to file his personal affidavit in the matter. Pursuant to the said direction, the District Magistrate, Saharanpur has filed his personal affidavit dated 25.10.2023 in the Court today, which is taken on record.

5. In the said affidavit, it is stated that the petitioner in respect of his application of voluntary retirement, he was given 30 days to submit his reply, but the reply has not been submitted within the stipulated period and it was presumed that the petitioner has nothing to say in this regard and thus ex parte proceeding for retirement have been taken place. It is further averred that the permanent address of the petitioner i.e. Village Najirpura, P.O. Rampur, Maniharan, District Saharanpur is mentioned in his service book, despite several attempts to contact the petitioner on his permanent address, they could not be able to contact the petitioner or his family member and even the petitioner has not mentioned the name of his nominee in his service book. Finally, it is stated that in case, if petitioner would have given the satisfactory information about his absconding period before the competent authority, his claim in respect of pension as well as retiral dues, would be considered.

6. Considering the above, learned counsel for the petitioner submits that the petitioner will approach and submit all relevant materials before the competent authority within the stipulated period as may be prescribed by this Court.

7. Learned Standing Counsel has not disputed the request made by learned counsel for the petitioner.

8. Considering the facts and circumstances, the writ petition is

disposed of with a direction to the petitioner to submit all relevant documents along with fresh representation by attaching a photocopy of the instant order before the respondent no.3-Sub Divisional Magistrate, Tehsil Devband, District Saharanpur within a period of three weeks from today.

9. On receipt of such representation and other documents, respondent no.3-Sub Divisional Magistrate, Tehsil Devband, District Saharanpur may consider the same and take appropriate decision in accordance with law, within a period of four weeks from the date of its presentation.

(Donadi Ramesh, J.)

Order Date :- 27.10.2023

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