Court No. - 36

Case :- WRIT - A No. - 15368 of 2023

Petitioner :- Raj Narayan Maurya
Respondent :- State Of U.P. And 2 Others
Counsel for Petitioner :- Akhilesh Kumar
Counsel for Respondent :- C.S.C.,Akhilesh Kumar Sharma

Hon'ble Manjive Shukla,J.

1. Heard learned counsel appearing for the petitioner, learned Standing Counsel appearing for the Respondent No. 1 as well as Sri Akhilesh Kumar Sharma, learned counsel appearing for the Respondents No. 2 & 3.

2. Petitioner has filed this writ petition inter-alia praying therein for a direction from this court thereby commanding the respondents to pay interest on the delayed payment of death-cum-retirement gratuity to the petitioner.

3. Mother of the petitioner while working on the post of Assistant Teacher died and thereafter petitioner raised claim for payment of death-cum-retirement gratuity. Petitioner also filed Writ-A No. 16185 of 2022 which was finally disposed of by this court vide order dated 12.10.2022, whereby direction was issued to District Basic Education Officer, Varanasi to consider and decide representation of the petitioner in light of the judgment of this court rendered in **Writ-A No. 17399 of 2019 (Usha Rani Vs. State of U.P. and 6 others).**

4. Learned counsel appearing for the petitioner has argued that in compliance of this court's order dated 12.10.2022 passed in Writ-A No. 16185 of 2022, petitioner has been paid amount of gratuity but no decision has been taken regarding payment of interest over the delayed payment.

5. Learned counsel appearing for the petitioner has also invited attention of this court towards the representation submitted by the petitioner for payment of interest over the delayed payment of death-cum-retirement gratuity.

6. On the other hand, Sri Akhilesh Kumar Sharma, learned counsel appearing for the Respondents No. 2 & 3 has very fairly submitted

that once the petitioner has already raised his claim for interest over the delayed payment of death-cum-retirement gratuity amount, the same can be looked into and decided by the Respondent No. 3.

7. 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 the petitioner to file a fresh representation before the District Basic Education Officer, Varanasi within a period of three weeks from today and if such representation is filed, Respondent No. 3 is directed to consider and decide the said representation by passing speaking and reasoned order within two months thereafter.

Order Date :- 17.11.2023
n.u.

Digitally signed by :-
NASEEM UDDIN
High Court of Judicature at Allahabad