

Court No. - 36

Case :- WRIT - A No. - 18267 of 2023

Petitioner :- Israwati

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

Counsel for Petitioner :- Kamal Kumar Keshewani

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

Hon'ble Manjive Shukla, J.

1. Heard learned counsel appearing for the petitioner, learned Standing Counsel appearing for the Respondents No. 1 & 2 and Sri Ashok Kumar Singh, learned counsel appearing for the Respondents No. 3 and 4.

2. Facts of the case in brief are that husband of the petitioner while working on the post of Headmaster in Primary School Bankatwa Uttari, Block Sohratgarh, District Siddharth Nagar died on 21.01.2019.

3. Since petitioner was not paid death-cum-retirement gratuity admissible to her husband, she filed Writ-A No. 18553 of 2021 which was finally disposed of by this court vide order dated 22.12.2021 whereby direction was given to pay death-cum-retirement gratuity to the petitioner in terms of this court's order passed 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 submitted that in compliance of the aforesaid order dated 22.12.2021 passed in Writ-A No. 18553 of 2021, petitioner has been paid amount of death-cum-retirement gratuity but there is inordinate delay in the payment of the gratuity therefore, petitioner is entitled for payment of interest over the delayed payment but till date, said amount has not been paid.

5. Learned counsel appearing for the petitioner has also argued that even this court vide judgement and order dated 7.11.2019 passed in ***Writ-A No. 17399 of 2019 (Usha Rani Vs. State of U.P. and 6 others)*** has issued direction for payment of interest over the delayed payment.

6. Learned counsel appearing for the petitioner has invited attention of this court towards representation dated 1.09.2023 whereby petitioner has raised her claim for payment of interest over the delayed payment before the District Basic Education

Officer, Siddharth Nagar but till date, petitioner's grievance has not been redressed.

7. On the other hand, Sri Ashok Kumar Singh, learned counsel appearing for the Respondents No. 3 and 4 has fairly submitted that once petitioner has raised her grievance before the District Basic Education Officer, Siddharth Nagar then her grievance can very well be looked into and considered by the said authority.

8. In view of the aforesaid submissions advanced by the learned counsels appearing for the parties, without entering into merits of the case, this writ petition is finally ***disposed of*** with liberty to the petitioner to file fresh representation before the District Basic Education Officer, Siddharth Nagar within 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 :- 4.12.2023

A. Mandhani