

Court No. - 35

Case :- WRIT - A No. - 16348 of 2023

Petitioner :- Shiv Kumar Paliwal

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

Counsel for Petitioner :- Parul Srivastava, Namit Srivastava

Counsel for Respondent :- C.S.C.

Hon'ble Vikas Budhwar, J.

1. Heard Sri Narayan Srivastava, learned counsel for the writ petitioner as well as Sri Shailendra Singh, learned standing counsel who appears for the respondents no. 1, 2 and 3.

2. In view of the order which is being proposed to be passed notices are not being issued to the respondent no. 4.

3. A statement has been made in para 10 of the writ petition that as on date there is neither any committee of management nor any authorised controller manning the college, respondent no. 4, Intermediate College, Kushmiliya, District Jalaun at Orai.

4. According to the writ petitioner, he was appointed on adhoc / temporary basis on 7.7.1992 as an Assistant Teacher in the institution in question approval whereof was accorded by the District Inspector of Schools, Jalaun at Orai on 25.10.1992. The petitioner was accorded joining on 1.11.1992 and superannuated on 31.3.2023.

5. It is the case of the writ petitioner that though proceedings were undertaken for regularisation in terms of the provisions of UP Act No. 5 of 1982 but the same has not been finalised and further the writ petitioner has not been paid pension or any post retiral benefit except GPF.

6. Prayer in the present writ petition is for a direction to respondent no. 2 to consider the case of the writ petitioner for regularization and payment of pension along with consequential benefits.

7. Sri Shailendra Singh, learned Standing Counsel who appears for the respondents no. 1, and 3, on the other hand, submits that the issue as to whether the writ petitioner is entitled to be accorded regularization needs to be decided at the first instance by a

committee constituted herein and according to him, the writ petitioner may approach Joint Director of Education, Secondary, Jhansi District, Jhansi who shall address to the claim of the writ petitioner for regularisation and for other benefits. He further submits that he does not proposed to file any response to the writ petition.

8. To such a submission, learned counsell for the writ petitioner has no objection and he gracefully accepts the same.

9. Considering the submissions of the rival parties as well as standard taken by them the writ petition is being disposed of granting liberty to the writ petitioner to approach before the second respondent who shall thereafter transmit the papers to the Committee so constituted and empowered, who shall decide the claim of the writ petitioner for regularization and pension after putting to the notice the Committee of Management/Authorized Controller and principal of the institution in question within a period of three months from the date of production of a certified copy of this order.

10. Needless to point out that passing of the order may not be construed to an expression that this court has adjudicated on the merits of the case

Order Date :- 13.10.2023

S.A.