

Court No. - 35

Case :- WRIT - A No. - 16143 of 2023

Petitioner :- Suresh Bahadur Singh

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

Counsel for Petitioner :- R. K. Singh Kaosik

Counsel for Respondent :- C.S.C.

Hon'ble Vikas Budhwar,J.

1. Heard Sri R.K. Singh Kaosik, learned counsel for the writ petitioner and Sri Santosh Kumar, learned Standing Counsel who appears for respondents No. 1 to 3.

2. In view of the order which is being proposed to be passed today, notice is not being issued to the fourth respondent.

3. The case of the writ petitioner is that pursuant to the provisions contained under the U.P. Secondary Education (Removal of Difficulties) (Second) Order, 1983, the writ petitioner was granted appointment on the post of Assistant Teacher on 01.07.1998 and the same was approved by the District Inspector of Schools, Jaunpur on 09.10.1998 and by virtue of an order dated 10.08.2018 his services stood regularized with effect from 22.03.2016 as per the provisions contained under Section 33G of the U.P. Act No. 5 of 1982 and the writ petitioner claims to have retired on 31.03.2023, however, he has not been paid pension. He seeks to rely upon the decision in the case in **Special Appeal No. 172 of 2023 (State of U.P. & 2 Others Vs. Surendra Singh & Others)** decided on 20.04.2023.

4. Prayer in the present petition is for a direction to the second respondent, Deputy Director of Education (Secondary), Varanasi Region, Varanasi to accord consideration to the claim of the writ petitioner.

5. Sri Santosh Kumar, learned Standing Counsel who appears for respondents No. 1 to 3 submits that the issue as to whether the writ petitioner is entitled to be paid pension in the wake of the regularization of his services with effect from 22.03.2016 while

adding the ad hoc services undergone by the writ petitioner needs determination at the end of the second respondent and according to him, the writ petitioner may represent his cause before the second respondent, Deputy director of Education (Secondary) Varanasi Region, Varanasi in that regard. He further submits that he does not propose to file any response to the writ petition.

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

7. Considering the submission of the rival parties as well as the stand taken by them, the writ petition is being disposed of without seeking any response from the respondents granting liberty to the writ petitioner to approach the second respondent, Deputy Director of Education (Secondary) Varanasi Region, Varanasi by filing a comprehensive representation along with the self attested copy of the writ petition and on the receipt of the same the second respondent shall put to notice the fourth respondent and decide the claim of the writ petitioner within a period of three months bearing in mind the judgment in the case of Surendra Singh (supra).

8. Needless to point out that this Court has not adjudicated on the merits of the matter.

Order Date :- 19.10.2023

Rajesh