

Court No. - 35

Case :- WRIT - A No. - 16845 of 2023

Petitioner :- Indrawati Devi

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

Counsel for Petitioner :- Utkarsh Singh

Counsel for Respondent :- C.S.C.

Hon'ble Vikas Budhwar,J.

The case of the writ petitioner as worded in the writ petition is that the writ petitioner was appointed as Lecturer in subject (History) in third respondent institution, Zila Panchayat Kanya Inter College, Chandauli, Varanasi on 6.8.1994 and according to the writ petitioner there are seven post of Lecturer in the institution in question. As per the writ petitioner though he was initially appointed on stop gap arrangement however he was regularly attending the institution in question and he worked from 10.8.1994 to 2.1.2000. The writ petitioner claims that he has not been paid salary for the period which he has worked in the institution in question. He seeks consideration of his claim for payment of salary before the second respondent, District Inspect of Schools, Chandauli.

Sri Shailendra Singh, learned Standing Counsel submits that though the writ petitioner has been preferred in the year 2023 however the payment of salary is being sought from 10.8.1994 till January, 2000 which is barred by delay and latches particularly for the reason that non payment of salary for the said period is not a continuous cause of action in view of the law laid down by the Hon'ble Apex Court in the case of **Mushibai Jagdish vs. Bhavnagar Municipal Corporation JD 2022 (5) SC 470**. However he submits that the writ petitioner may represent his cause before the respondents who shall address to the claim of the writ petitioner.

Considering the submissions of the learned Standing Counsel, the writ petition is being disposed off without seeking any response from the respondents granting liberty to the writ petitioner to prefer a comprehensive representation along with the self-attested copy of the writ petition before the second respondent, District Inspect of Schools, Chandauli, who shall on the receipt of the same, the second respondent shall put to notice to the third and

fourth respondent thereafter proceed to decide the entitlement of the petitioner strictly in accordance with law bearing in the mind the nature of the appointment of the writ petitioner, the continuance of writ petitioner, approval if any as well as issue with regard to the delay and laches which might extinguish the claim of the writ petitioner for the payment of the salary in view of the law laid down in the case of **Mushibai Jagdish (Supra)**.

Needless to point out that the writ petition has been decided without seeking any response from the respondents. Thus, passing of this order may not be construed to an expression that this Court has gone into the merits of the case.

With the aforesaid observation, the writ petition is disposed off.

Order Date :- 13.10.2023

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