

Court No. - 35

Case :- WRIT - A No. - 16354 of 2023

Petitioner :- Smt. Premsheela Pandey

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Onkar Nath Mishra

Counsel for Respondent :- C.S.C.

Hon'ble Vikas Budhwar,J.

Heard Sri Onkar Nath Mishra, learned counsel for the writ petitioner as well as Sri Ajeet Kumar Singh, learned Additional Chief Standing Counsel, who appears for the respondent nos.1 to 5.

The case of the writ petitioner is that her husband, namely, Late Radheyshyam Pandey was appointed as an Assistant Teacher on 01.07.1980 in Ish Marg Sanskrit Vidyalaya, Mubarakpur, District - Azamgarh, who died on 19.05.2012. The writ petitioner claims that she has not been paid the gratuity of the deceased, though she has represented the cause before the respondents.

Prayer in the present petition is for a direction to the respondents to pay gratuity to the writ petitioner.

Sri Ajeet Kumar Singh, learned Additional Chief Standing Counsel, who appears for the respondent nos.1 to 5 on the other hand submits that the issue as to whether the writ petitioner is entitled to payment of gratuity needs determination at the first instance by the third respondent, Deputy Director (Secondary Education) Region, Azamgarh, who shall address to the claim of the writ petitioner.

To such a submission, learned counsel for the writ petitioner has

no objection and he gracefully accepts the same.

Considering the submission of the rival parties as well as the stand taken by them, the writ petition is being disposed off, granting liberty to the writ petitioner to represent his cause before the third respondent, who shall on the receipt of the same put to notice the institution where at the writ petitioner was working and thereafter decide the entitlement of the writ petitioner and the competing claims, if any, within a period of three months from the date of the production of the certified copy of the order strictly in accordance with law.

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

With the aforesaid observations, the writ petition stands ***disposed off***.

Order Date :- 13.10.2023

S Rawat