

Court No. - 35

Case :- WRIT - A No. - 16733 of 2023

Petitioner :- Maya Ram

Respondent :- State Of U.P. And 5 Others

Counsel for Petitioner :- Nikhilesh Kumar Chaudhary,Deepak Kumar Tripathi

Counsel for Respondent :- C.S.C.

Hon'ble Vikas Budhwar,J.

1. The case of the writ petitioner is that there is an institution by the name of Sarvodaya Uchchattar Madhyamik Vidyalaya, Newada, Basti, which is recognized under the provisions of U.P. Intermediate Education Act, 1921 and U.P. Act No. 24 of 1971, stands applicable.

2. As per the writ petitioner, initially the institution in question was not in the grant-in-aid list of the State Government, however it came to be included in the grant-in-aid list of the State Government with effect from 01.12.1998, by virtue of the Government Order dated 18.01.1999. The writ petitioner claims to be appointed on the post of Untrained Assistant Teacher on 6.9.1976 and as trained Teacher in C.T. Grade in 1979, however post completion of ten years of service in C.T. Grade, the petitioner stood upgraded to L.T. Grade with effect from 1991 and he superannuated on 15.1.2016 but was made admissible to the sessions benefit, which allowed him to perform the duties till the academic session, which came to be an end on 31.03.2016. In paragraph no.9 of the writ petition, it has been asserted that the writ petitioner was paid salary from the State Exchequer from 01.12.1998 to 31.03.2016.

3. Since, the writ petitioner was not being made admissible to the pensionary benefits, so the writ petitioner preferred Civil Misc. Writ Petition No. 13049 of 2017 (Maya Ram vs. State of U.P. and 5 Others), which came to be disposed of by virtue of an order dated 29.03.2017, following the judgment in the case of Sri Mangali Prasad Verma & Others vs. State of U.P. & Others, passed in Writ - A No. 17819 of 2007, wherein while disposing of the said writ petition, on 20.12.2012, not only pensionary benefits were made admissible, but also 12 % interest per annum was extended. According to the writ petitioner, as stated in paragraph no.12 of the

writ petition, he has been paid pension, but the interest component has not been paid.

4. Prayer in the present petition is for a direction to the respondents to disburse the interest of 12 % per annum on the arrears of the pension of the petitioner (Rs. 5,42,419/-) from the date of retirement to 15.6.2018 and also disburse the interest post 15.6.2018 till the date of the payment, as per the judgment in the case of Mangali Prasad Verma (supra).

5. Learned 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 be extended the benefits of interest is dependent upon various factors including the Government Orders and the statutory scheme providing for the same as well as the theory of fault on whose side and further other ancillary issues. According to him, he does not propose to file any response to the writ petition. However, the writ petitioner may represent his cause before the third respondent, Deputy Director of Education (Secondary), Basti Region, Basti, who shall address to the claim of the writ petitioner.

6. Considering the stand of the learned Standing Counsel, this Court in the present facts and the circumstances of the matter is not proposing to issue notice to the sixth respondent, Committee of Management of the institution in question and without seeking any response, the writ petitioner is being disposed of granting liberty to the writ petitioner to prefer a comprehensive representation before the third respondent along with the self-attested copy of the writ petition, who shall on the receipt of the same put to notice the sixth respondent's institution and the writ petitioner and in case any inputs are required from the sixth respondent or the writ petitioner, they would be informed in advance in writing and thereafter a conscious decision be taken within a period of three months' from the date of the production of the certified copy of the order, bearing in mind the following fundamental and the core issues :-

(a) The issue with regard to the fault of the respondents with regard to the payment of interest;

(b) The statutory guidelines or the rules governing the field with regard to the payment of interest;

(c) The applicability of the judgment in Writ - A No. 64445 of 2012 (Ram Milan and others Vs. State of U.P.), Writ - A No. 17819 of 2007 (Mangali Prasad Verma & Others vs. State of U.P. &

Others) in the case of writ petitioner;

(d) Any other incidental and ancillary issue.

7. Since, the writ petition has been decided without seeking any response and in absence of any representation on behalf of the sixth respondent, thus the passing of the order may not be construed to be an expression that this Court has adjudicated on the merits of the matter. However, the third respondent shall decide the issue strictly in accordance with law without being obsessed or influenced by any of the observations made herein-above.

8. In case, the third respondent is of the opinion that some other authority is to address the claim of the writ petitioner, then the papers be transmitted to the said authority, while informing the writ petitioner and the sixth respondent in advance, so as to facilitate inputs, if they are so required and for disposal of the claim of the writ petitioner within the stipulated period.

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

Order Date :- 31.10.2023

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