

Court No. - 35

Case :- WRIT - A No. - 16819 of 2023

Petitioner :- Manju Yadav

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

Counsel for Petitioner :- Avinash,Ram Sajivan

Counsel for Respondent :- CSC

Hon'ble Vikas Budhwar,J.

Heard Sri Ram Sajivan, learned counsel for the writ petitioner and Sri Awadhesh Kumar Mishra learned Standing Counsel, who appears for respondents 1 to 4.

In view of the order, which is being proposed to be passed today, notices are not being issued to the fifth respondent.

The case of the writ petitioner is that her husband namely Jay Singh Yadav was appointed as an Assistant Teacher in the fifth respondent institution on 1.8.1993 and his services stood regularised on 1.8.1994 however he was to retire on 31.3.2023 but before his retirement he expired on 26.9.2021. According to the writ petitioner though all the payments have been made but the payment gratuity has not been paid.

Prayer in the present petition is for a direction for the payment of gratuity.

Sri Awadhesh Kumar Mishra learned Standing Counsel submits that the issue as to whether the writ petitioner is entitled for the gratuity needs determination at the instance of the Deputy Director of Education (Secondary), Kanpur Mandal, Kanpur third respondent, who shall address to the claim of the writ petitioner. He further submits that he does not propose to file any response to the writ petition.

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

Considering the submissions of the rival parties as well as stand taken by them, 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 Deputy Director of Education (Secondary), Kanpur Mandal, Kanpur third respondent, who shall on the receipt of the same, proceed to decide the claim of the petitioner strictly in accordance with law putting to notice the fifth respondent within a period of three months from the date of presentation of the certified copy of the order.

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

piyush