

Court No. - 35

Case :- WRIT - A No. - 16857 of 2023

Petitioner :- Asha Choubey

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

Counsel for Petitioner :- Jitendra Kumar Singh, Vibhu Rai

Counsel for Respondent :- C.S.C., Rohit Pandey

Hon'ble Vikas Budhwar, J.

Heard Sri Vibhu Rai, learned counsel for the writ petitioner as well as Sri Santosh Kumar, learned Standing Counsel, who appears for the respondent no.1 and Sri Rohit Pandey, learned counsel, who appears for the respondent nos.2 to 4.

The case of the writ petitioner is that though earlier the writ petitioner consequent to her selection by the U.P. Higher Education Service Commission was performing the duties in Kanya Mahavidyalaya Degree College, Arya Samaj, Bhoor, Bareilly. However, thereafter an advertisement was published by the respondent-University on 26.12.2001, pursuant thereto, the writ petitioner was accorded appointment as an Assistant Professor on 28.09.2002 and thereafter a long drawn battle, the writ petitioner was promoted on the post of Professor with effect from 01.07.2010.

Learned counsel for the writ petitioner submits that though she has retired on 30.06.2022, but she has not been paid post retiral benefits, despite the fact that there is nothing adverse against her and her claim has been side tracked and discriminated, as she seeks to rely upon paragraph no.44 of the writ petition, so as to contend that the incumbent, who stood superannuated on 30.06.2023 has been accorded benefits.

Prayer in the present petition is for a direction to the respondents to prepare, determine and release the pension of the writ petitioner along with 9% interest.

Sri Rohit Pandey, learned counsel, who appears for the respondent-University submits that the third respondent, Vice Chancellor, Mahatma Jyotiba Phule Rohilkhand University, Bareilly shall decide the claim of the writ petitioner, provided the writ petitioner prefers a representation and approaches the third respondent. He further submits that he does not propose to file any response to the writ petition.

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

Considering the submissions of the rival parties as well as the 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 approach the second respondent along with the self-attested copy of the writ petition and on the receipt of the same, the second respondent shall decide the entitlement of the writ petitioner, strictly in accordance without any delay within a period of one months from the date of the production of the certified copy of the writ petition in that regard.

Needless to point out that the passing of the order may not be construed to an expression that this Court has adjudicated upon the merits of the matter.

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

Order Date :- 13.10.2023

S Rawat