

Court No. - 35

Case :- WRIT - A No. - 17049 of 2023

Petitioner :- Smt Uma Agarwal

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

Counsel for Petitioner :- Durga Tiwari

Counsel for Respondent :- C.S.C.

Hon'ble Vikas Budhwar,J.

Heard Ms. Durga Tiwari, learned counsel for the petitioner and Sri Manoj Vashishitha, learned Standing Counsel, who appears for respondents 1to 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 Dr. Ashok Kumar Agrawal who was working S.M. College, Chandausi, District Sambhal since 31.8.1973 died in harness on 22.9.1997 and prior to it the husband of the writ petitioner opted for CPF on 25.7.1983 thereafter according to the writ petitioner a Government Order had been issued on 1.5.1995 whereby the deceased in case he died prior to 1.4.1979 or subsequent thereto were given opportunity to submit option for pensionary benefits.

The writ petitioner submits that she had tendered an option on 16.9.1998 annexure-3 at page 31 and thereafter lots of correspondence for being done but nothing has been done in that regard.

Prayer in the present petition is for mandamus directing the second respondent, Director of Higher Education U.P. at Allahabad to take appropriate decision.

Sri Manoj Vashishitha, learned Standing Counsel submits that the issue as to whether the writ petitioner is entitled to the said benefits is to be decided at the first instance by the second respondent, according to him the writ petitioner may approach the second respondent who shall take appropriate decision in that regard. He further submits that he does not propose to file any response to the writ petition.

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 second respondent, Director of Higher Education U.P. at Allahabad, who shall on the receipt of the same, the second respondent shall put to notice the fifth respondent and thereafter proceed to decide the case of the petitioner strictly in accordance with law within a period of two months from the date of presentation of the certified copy of the order if already not decided. In case the second respondent is of the opinion that the matter needs to be decided by the authority that the paper be transmitted and the writ petitioner and the fifth respondent be informed in advance in writing.

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 :- 18.10.2023

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