

Court No. - 35

Case :- WRIT - A No. - 16954 of 2023

Petitioner :- Ajay Kumar Singh

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

Counsel for Petitioner :- Sanjai Singh

Counsel for Respondent :- C.S.C

Hon'ble Vikas Budhwar,J.

1. Heard Sri Sanjai Singh, learned counsel for the writ petitioner and Sri Gaya Prasad Singh, learned Standing Counsel who appears for respondents No. 1 to 4.

2. In view of the order which is being proposed to be passed today notices are not being issued to respondents No. fifth and sixth respondents.

3. The case of the writ petitioner is that the fifth respondent, Nehru Inter College, Ratanpura, District Mau is an institution recognized under the provisions of U.P. Intermediate Education Act, 1921 and the provisions of U.P. Act No. 24 of 1971 stand applicable. The case of the writ petitioner is that he was appointed on the post of Assistant Teacher L.T. Grade on 22.11.1994 and he assumed the charge, however, he is to superannuate on 31.03.2025. The writ petitioner has been paid salary since April, 2010, however, the same has been reduced to 22,605 per month instead of actual entitlement of 27,154 per month. It is the further case of the writ petitioner that his services stood regularized under the provisions of Section 33G of U.P. Act No. 5 of 1982 by virtue of an order dated 04.01.2019 however, he has not been paid the differential salary and the arrears of salary.

4. Prayer in the present petition is for a direction to the respondents to release the arrears of salary of the writ petitioner from 22.11.1998 till 31.03.2010 and to pay difference of salary from May, 2010 till date.

5. Sri Gaya Prasad Singh, learned Standing Counsel who appears for respondents No. 1 to 4 submits that the issue as to whether the

writ petitioner is to be entitled for the benefit of the said salary needs determination at the first instance by the third respondent, District Inspector of Schools, Mau, he submits that the writ petitioner may represent his cause before the third respondent, he further submits that he does not propose to file any response to the writ petition.

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

7. Considering the submission of the rival parties as well as the stand taken by them, the writ petition is being disposed of without seeking any response from the respondents granting liberty to the writ petitioner to prefer comprehensive representation along with the self attested copy of the writ petition before the third respondent, District Inspector of Schools, Mau who shall on the receipt of the same thereafter proceed to decide the claim of the writ petitioner strictly in accordance with law after putting to notice the fifth and sixth respondents and and thereafter consider the claim of the writ petitioner for being accorded consideration within a period of three months from the date of production of the certified copy of the order.

With the aforesaid observation, the writ petition stands disposed of.

8. Passing of this order may not be construed to be an expression that this Court has adjudicated on the merits of the matter.

Order Date :- 27.10.2023

Rajesh