

Court No. - 35

Case :- WRIT - A No. - 16924 of 2023

Petitioner :- Dr. Shashi Kumari

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

Counsel for Petitioner :- Kamal Kumar Keshewani

Counsel for Respondent :- C.S.C.

Hon'ble Vikas Budhwar,J.

Heard Sri Kamal Kumar Keshewani, learned counsel for the petitioner and Sri S.K. Mishra learned Standing Counsel, who appears for respondents 1, 2 and 3.

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

The case of the writ petitioner is that her husband late Yogendra Bechain who was appointed as a Lecturer on 2.4.2005 and was lastly serving as Associate Professor in the respondent no.4 institution in dying in harness on 22.4.2021. The writ petitioner claims to be legally wedded wife however she is legally entitled for the payment of death-cum-retirement gratuity however the claim has been rejected on the ground that the option was not exercised.

Prayer in the present petition is for the payment of death-cum-retirement gratuity.

Learned Standing Counsel submits that let the writ petitioner approach the second respondent, Director of Education, (Higher Education) U.P. Prayagraj who shall address to the claim of the writ petitioner and he does not propose to file any response to the writ petition.

To such a submission, 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 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 Education, (Higher Education) U.P. Prayagraj, who shall on the receipt of the same, put to notice the fourth respondent and thereafter proceed to decide the entitlement of the petitioner strictly in accordance with law within a period of three months from the date of presentation of the certified copy of the order bearing in mind the entitlement, competing claims any other ancillary and incidental issues.

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 :- 16.10.2023

piyush