Court No. - 35

Case :- WRIT - A No. - 17143 of 2023

Petitioner :- Smt. Rekha Pathak
Respondent :- State Of U.P. And 4 Others
Counsel for Petitioner :- Gopal Ji Rai
Counsel for Respondent :- C.S.C.

Hon'ble Vikas Budhwar,J.

1. Heard Sri Gopal Ji Rai, learned counsel for the writ petitioner and Sri Santosh Kumar Mishra, 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, notice is not being issued to the fifth respondent.

3. The case of the writ petitioner is that her husband namely Late Rajesh Kumar Pathak was appointed as Assistant Teacher on 29.1.1990 in the fifth respondent institution, Ramnath Pathak Inter College, Murarpatti, District Ballia died-in-harness on 2.2.2015 and he was granted selection grade on 01.07.1983 despite preferring various representations the writ petitioner has not been paid death-cum-retirement gratuity of her husband.

4. Prayer in the present petition is for a direction to the third respondent to pay death-cum-retirement gratuity.
5. Sri Santosh Kumar Mishra, learned Standing Counsel submits that the issue as to whether the writ petitioner is entitled to the said benefit is to be decided at the first instance by the third respondent he further submits that he does not propose to file any response to the writ petition.

6. 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 granting liberty to the writ petitioner to prefer a comprehensive representation before the third respondent, Deputy Director of Education Azamgarh Region Azamgarh who shall on the receipt of the same proceed to decide the entitlement of the writ petitioner after putting to notice the fifth respondent within a period of two months from the date of production of certified copy of the order bearing in mind the entitlement of the writ petitioner, the Government Orders/statutory schemes in vogue

as well as the competing claims, if any.

7. Needless to point out that this Court has not adjudicated on the merits of the matter.

Order Date :- 18.10.2023
piyush

Digitally signed by :-
PIYUSH KUMAR
High Court of Judicature at Allahabad