

Court No. - 35

Case :- WRIT - A No. - 17217 of 2023

Petitioner :- Smt. Sashikala Srivastava

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

Counsel for Petitioner :- Akhilanand Mishra

Counsel for Respondent :- C.S.C.

Hon'ble Vikas Budhwar,J.

Heard Sri Akhilanand Mishra, learned counsel for the writ petitioner and Sri Vijay Pratap Singh, 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 and fifth respondent.

The case of the writ petitioner that he was appointed on the post of C.T. Grade in the fifth respondent institution, Smt. Gunraji Devi Balika Vidyalaya, Uchchar Mahavidyalay, Mahuabari, Lar Road, Deoria on 01.07.1974. As per the writ petitioner, the said institution was put grant-in-aid on 01.01.1984 and as per these Government orders, he was regularly joined salary of Rs. 180/-. It is further the case of the writ petitioner that on 01.01.1986, the State Government implemented the pay fixation. According to which, the pay fixation for C.T. Grade was Rs. 1350/- and he was getting salary to the tune of Rs. 335/- per month. The writ petitioner also seeks to rely upon the salary table which has been mentioned in para 7, according to which pursuant to the Government order dated 03.06.1989, the basic salary and revised salary after implementation of the said Government order was made in the pay grade which would be Rs. 1350-30-1500-40-1980-45-2070. It is the case of the writ petitioner that he

superannuated on 30.06.2014, however, he has not been made entitled to the differential salary which is entitled to be accorded from 01.01.1986 to 31.08.2002 being Rs. 7,21,903/-.

Prayer in the present petition is for a direction to the second respondent, District Inspector of Schools, Deoria to accord consideration to the said claim of the writ petitioner.

Learned Standing Counsel who appears for the respondents on the other hand submits that the writ petitioner herein stood superannuated in the year 2014, however, according to him, the present writ petition is enormously and inordinately barred by delay and laches, particularly in view of the fact that the writ petitioner is before this Court in the year 2023 as where as the cause of action had been arisen much earlier. He seeks to rely upon the judgment in the case of **Rushibhai Jagdishchandra Pathak vs Bhavnagar Municipal Corporation 2022 JT (5) SC 470**. He further submits that in case the writ petitioner is aggrieved that he should approach the District Inspector of Schools, Deoria, second respondent for redressal of his grievances. He further submits that he does not propose to file any response to the writ petition.

To such a submission, learned counsel for the 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, who shall on the receipt of the same, proceed to decide the claim of the petitioner strictly in accordance with law, the

second respondent shall put to notice to the fourth and fifth respondent to decide the entitlement of the writ petitioner, in view of the law laid down in the case of **Rushibhai Jagdishchandra Pathak (Supra)** within a period of three months from the date of presentation of the certified copy of the order.

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 :- 6.11.2023

A. Prajapati