

Court No. - 35

Case :- WRIT - A No. - 17232 of 2023

Petitioner :- Sangeeta Kumari

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Banshi Dhar Mishra

Counsel for Respondent :- C.S.C.

Hon'ble Vikas Budhwar,J.

Heard Sri Banshi Dhar Mishra, learned counsel for the writ petitioner and Sri Shailendra Singh, learned Standing Counsel, who appears for the respondent nos.1, 2 and 3.

The case of the writ petitioner is that her husband, namely, Rajesh Kumar (since deceased), who was appointed as an Assistant Teacher in Saint Thomas Inter College, Shahganj, Jaunpur expired on 21.04.2021. Though, the writ petitioner claims that pensionary benefits have been paid but gratuity has not been paid.

Prayer in the present petition is for a direction to the third respondent, District Inspector of Schools, District - Jaunpur to pay the gratuity to the writ petitioner.

Sri Shailendra Singh, learned Standing Counsel submits that the issue as to whether the writ petitioner is entitled to gratuity needs determination at the first instance by the third respondent. The writ petitioner may represent his cause before the third respondent, who shall address to the claim of the writ petitioner. He further submits that he does not propose to file any response to the writ petition.

Considering the submission of the rival parties as well as the stand taken by them, the writ petitioner is being disposed of granting liberty to the writ petitioner to approach the third respondent,

while filing a comprehensive representation along with the self attested copy of the writ petition and on the receipt of the same, the third respondent shall decide the entitlement of the writ petitioner after putting to notice the institution where at the husband of the writ petitioner remained posted and pass a reasoned order within a period of two months from the date of the production of the certified copy of the order including the issue with regard to the competing claims, if any.

With the aforesaid observations, the writ petition stands ***disposed of.***

Order Date :- 30.10.2023

S Rawat