

Court No. - 35

Case :- WRIT - A No. - 17444 of 2023

Petitioner :- Arvind Kumar Singh

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

Counsel for Petitioner :- Nar Singh, Poonam Singh Sengar

Counsel for Respondent :- C.S.C.

Hon'ble Vikas Budhwar, J.

Heard Sri Nar Singh, learned counsel for the petitioner and Sri Shailendra Singh learned Standing Counsel, who appears for respondents 1 to 4.

The case of the writ petitioner is that he initially appointed on 20.4.1980 on the post of Associate Professor (Department of Defence Studies) in Maryada Purshottam Mahavidyalaya Ratanpur Mau/Deoria and thereafter he was transferred to Vinoba Degree Mahavidyalaya, Deoria on 28.11.2008 and is superannuated on 30.6.2021. It is the case of the writ petitioner that on 6.9.2023 he was paid the post retiral benefits to the tune of Rs.33,49,086/- though he was entitled for the payment of the same on 30.6.2021. He submits that there is virtually a delay of two years thus he is entitled to payment of interest.

Learned Standing Counsel submits that the issue as to whether the writ petitioner is entitled to interest the issue which needs determination at the first instance by the second respondent, Joint Director (Higher Education), U.P. Prayagraj who shall address to the said issue. 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, thereafter put to notice the institution whereat the writ petitioner was working and thereafter decide the entitlement of the petitioner for payment of

interest while determining the fault if any of any of the parties and thereafter within a period of two months from the date of presentation of the certified copy of the order and thereafter proceed to pass an order quantifying the amount with correlational to the rate of interest in case there has been delay on the part of the respondents.

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 :- 27.10.2023

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