

Court No. - 36

Case :- WRIT - A No. - 17753 of 2023

Petitioner :- Smt. Kranti Devi

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

Counsel for Petitioner :- Ram Kishore Pandey

Counsel for Respondent :- C.S.C., Rama Nand Pandey

Hon'ble Manjive Shukla, J.

1. Heard learned counsel appearing for the petitioner, learned Standing Counsel appearing for the Respondents No.1 and 2 as well as Sri Rama Nand Pandey, learned counsel appearing for the Respondent No.3.

2. Facts of the case, in brief, are that petitioner, while working on the post of Assistant Teacher in **U.P.S. Composite School, Baman Naiguwan, Bangra, District Jhansi**, after attaining the age of superannuation, has retired from service on 31.3.2023. Petitioner prior to her retirement submitted an option on 10.6.2022 to District Basic Education Officer, Jhansi and thereby she requested to retire at the age of 60 years and also claimed payment of gratuity admissible to her.

3. Learned counsel appearing for the petitioner has submitted that aforesaid option submitted by the petitioner was accepted by the competent authority but later on the Additional Director, Treasury and Pension, Jhansi Division, Jhansi vide his letter dated 26.12.2022 has returned the matter to the District Basic Education Officer, Jhansi to take decision over the option submitted by the petitioner.

4. Learned counsel appearing for the petitioner has also submitted that in identical circumstances, in the cases which were returned to the District Basic Education Officer, Jhansi vide aforesaid letter dated 26.12.2022, favourable decision has been taken by the District Basic Education Officer, Jhansi. Learned counsel appearing for the petitioner has invited attention of this court towards the representation dated 9.1.2023, whereby petitioner has requested the District Basic Education Officer, Jhansi to accept her option for retirement at the age of 60 years and to pay her admissible gratuity.

5. Sri Rama Nand Pandey, learned counsel appearing for the District Basic Education Officer, Jhansi has very fairly submitted that since petitioner has already filed a representation

before the District Basic Education Officer, Jhansi, therefore petitioner's grievance can be looked into and can be redressed by the District Basic Education Officer, Jhansi.

6. In view of the aforesaid submissions advanced by the learned counsels appearing for the parties, this writ petition is finally disposed of with liberty to the petitioner to file a fresh representation before the District Basic Education Officer, Jhansi within fifteen days from today and if such representation is filed, Respondent No.3 is directed to consider and decide the said representation by passing reasoned and speaking order within a period of two months thereafter.

7. It is also provided that if the District Basic Education Officer, Jhansi, while deciding the petitioner's matter, comes to the conclusion that petitioner is entitled for payment of gratuity, then the amount due towards the gratuity shall be paid to her within next one month.

Order Date :- 19.10.2023

Salim