

Court No. - 36

Case :- WRIT - A No. - 17894 of 2023

Petitioner :- Kunti Devi

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

Counsel for Petitioner :- Jitendra Prasad Mishra, Nandini Verma

Counsel for Respondent :- C.S.C.

Hon'ble Manjive Shukla, J.

1. Heard learned counsel appearing for the petitioner and learned Standing Counsel appearing for the Respondents No.1 to 4.

2. Petitioner through this writ petition has prayed for the following reliefs:-

"i. Issue a writ, order or direction in the nature of mandamus directing the respondent no. 2 and 4 to pay earned leave of 300 days to the petitioner of service of her husband in respect of the service as Assistant Teacher in School governed by Social Welfare Office.

ii. Issue a writ, order or direction in the nature of mandamus directing the respondent no. 2 and 4 to decide the representation of the petitioner dated 28.08.2023 for grant of earned leave to the petitioner of her husband service as Assistant Teacher."

3. Petitioner has claimed that her husband while working on the post of Assistant Teacher in Rashtriya Ashram Paddati Vidyalaya, Pratapgarh, died on 21.4.2021. Petitioner has raised claim for payment of leave encashment admissible to her deceased husband but till date decision has not been taken by the respondents.

4. Learned counsel appearing for the petitioner has argued that husband of the petitioner was entitled for leave encashment and therefore, it is bounden duty of the respondents to clear off the said dues and to make requisite payment to the petitioner. Learned counsel appearing for the petitioner has invited attention of this court towards the letter written by the Deputy Director, Department of Social Welfare, Prayagraj Division, Prayagraj, whereby he has directed the District Social Welfare Officer, Pratapgarh to make payment to the petitioner the amount due towards leave encashment as per law. Learned counsel appearing for the petitioner has also invited attention of this court towards representation submitted by the petitioner to the Deputy Director, Department of Social Welfare, Prayagraj Division, Prayagraj on 28.8.2023, whereby she has raised her claim for payment of leave encashment. Learned counsel

appearing for the petitioner has also argued that till date decision has not been taken by the Respondent No.3 in the matter.

5. Learned Standing Counsel though has tried to oppose the writ petition but could not show any justifiable reason for not deciding petitioner's representation for grant of leave encashment.

6. In view of the aforesaid submissions advanced by the learned counsels appearing for the parties, without entering into the merits of the case, this writ petition is finally disposed of with direction to Respondent No.3 to consider and decide petitioner's representation dated 28.8.2023 contained in Annexure No.4 to the writ petition, by passing reasoned and speaking order, within a period of two months from the date of service of certified copy of this order.

Order Date :- 3.11.2023

Salim