

Court No. - 35

Case :- WRIT - A No. - 17946 of 2023

Petitioner :- Smt Manorama Mishra

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

Counsel for Petitioner :- Aman Arya

Counsel for Respondent :- C.S.C.

Hon'ble Vikas Budhwar,J.

1. Heard Sri Aman Arya, learned counsel for the writ petitioner and Sri Santosh Kumar Mishra, learned Standing Counsel who appears for respondents No. 1 to 3.

2. In view of the order which is being proposed to be passed today notice is not being issued to fourth respondent.

3. The case of the writ petitioner is that her husband namely, Devendra Kumar Mishra who was working as Assistant Teacher in the fourth respondent institution, Gomti Devi Adarsh Inter College, Gursahaiganj, District Kannauj expired on 02.01.2015. Though the writ petitioner claims that she is entitled to death-cum-retirement gratuity of her husband but the same is not being paid.

4. Prayer in the present petition is for a direction to the second respondent, Deputy Director of Education (Secondary), Kanpur Region, Kanpur to pay death-cum-retirement gratuity to the writ petitioner.

5. Sri Santosh Kumar Mishra, learned Standing Counsel who appears for respondents No. 1 to 3, on the other hand, submits that the issue as to whether the writ petitioner is entitled to death-cum-retirement gratuity needs adjudication by the second respondent, Deputy Director of Education (Secondary), Kanpur Region, Kanpur who shall address the claim of the writ petitioner, he submits that he does not propose to file any response to the writ petition.

6. To such a submission, the learned counsel for the writ petitioner has no objection and he gracefully accepts the same.

7. Considering the submission of the rival parties as well as the stand taken by them, the writ petition is being disposed of without

seeking any response from the respondents granting liberty to the writ petitioner to prefer comprehensive representation along with the self attested copy of the writ petition before the second respondent respondent, Deputy Director of Education (Secondary), Kanpur Region, Kanpur who shall on the receipt of the same thereafter proceed to decide the claim of the writ petitioner strictly in accordance with law after putting to notice the fourth respondent and considering competing claims as per law existing on land within a period of two months from the date of production of the certified copy of the order.

8. With the aforesaid observation, the writ petition stands disposed of.

9. Passing of this order may not be construed to be an expression that this Court has adjudicated on the merits of the matter.

Order Date :- 26.10.2023

Rajesh