

Court No. - 35

Case :- WRIT - A No. - 18120 of 2023

Petitioner :- Suresh Rai

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

Counsel for Petitioner :- Rajendra Kumar Ojha

Counsel for Respondent :- C.S.C.

Hon'ble Vikas Budhwar,J.

1. The case of the writ petitioner as worded in the writ petition is that the writ petitioner retired on the post of Principal on 30.06.2015 from the institution, Smt. Tapeshwari Devi Jaiswal Inter College, Sardaha Bazar, Azamgarh earlier he had approached this Court by filing Writ A No. 1741 of 2016 wherein the following orders were passed.-

"The grievance of the petitioner is that his post retiral benefits have not been paid.

On 18th January, 2016 learned Standing Counsel was directed to seek instructions in the matter. On the instructions, he states that all the formalities with regard to payment of post retiral benefits; pension, General Provident Fund, etc. have been completed and the Management has sent the entire papers to the office of the District Inspector of Schools on 27th January, 2016.

In view of the said fact, no cause of action survives.

The writ petition is, accordingly, disposed of with a direction upon the District Inspector of Schools, Azamgarh, the third respondent, to make payment of petitioner's post retiral benefits within two months.

No order as to costs."

2. In page 14 of the paper book, there happens to be a communication of the District Inspector of Schools to the Manager of the said institution for processing the claim of the writ petitioner. There happens to be a representation of the writ petitioner appended as Annexure 3 at page 17 dated 13.03.2023 followed by another representation appended as Annexure 4 at page 29 that the writ petitioner was paid 912087/-.

3. Prayer in the present petition is for a direction to the respondents to decide the representation of the writ petitioner.

4. Learned Standing Counsel submits that the writ petitioner is already armed with the judgment dated 15.02.2016 in Writ A No. 1741 of 2016, it is always open for him to approach the respondents in this regard.

5. Considering the submission of the rival parties as well as the stand taken by them, the writ petition is consigned to record, leaving it open to the writ petitioner to take appropriate action as warranted and permissible under law.

Order Date :- 6.11.2023

Rajesh