

Court No. - 35

Case :- WRIT - A No. - 18230 of 2023

Petitioner :- Smt Pushpa Devi

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

Counsel for Petitioner :- Rajnish Kumar Srivastava, Siddharth Srivastava

Counsel for Respondent :- C.S.C.

Hon'ble Vikas Budhwar, J.

Heard Sri Rajnish Kumar Srivastava, learned counsel for the petitioner and Sri H.K. Shukla, the learned Standing Counsel, who appears for Respondents 1, 2 and 3.

In view of the order, which is being proposed to be passed today, notices are not being issued to the 4th respondent.

The case of the writ petitioner is that the her husband Late Nand Lal Rawat, who was working as a Peon died in harness in the fourth respondent Institution, Shri Ram Janaki Inter College Babu Bandhi Math Bhingari Bazar, Deoria on 19.03.2022. Thereafter her son namely Abhishek Kumar was accorded compassionate appointment, though the writ petitioner has been paid GPF and Group Insurance, but gratuity has not been paid.

Prayer in the present petition is for a direction for payment of gratuity.

Sri Shukla, learned Standing Counsel submits that the issue which the petitioner seeks to raise needs determination at the first instance by the second respondent, Deputy Director of Education (Secondary), Gorakhpur Region, Gorakhpur, the petitioner may represent his cause before the second respondent. He further submits that he does not propose to file any response to the writ petition.

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

Considering the submission of the rival parties as well as the 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 approach the second respondent, Deputy Director of Education (Secondary), Gorakhpur Region, Gorakhpur, along with a comprehensive representation accompanied with self-

attested copy of the writ petition, who shall, on the receipt of the same, put to notice the fourth respondent and thereafter proceed to consider the claim of the writ petitioner within a period of three months from the date of production of certified copy of the order.

With the aforesaid observations the writ petition stands **disposed off**.

Order Date :- 2.12.2023

N.S.Rathour