

Court No. - 35

Case :- WRIT - A No. - 18355 of 2023

Petitioner :- Ashok Kumar Chaubey And 3 Others

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

Counsel for Petitioner :- Vijay Krishna Chaturvedi, Rajesh Kumar Singh

Counsel for Respondent :- C.S.C.

Hon'ble Vikas Budhwar, J.

Heard Sri Rajesh Kumar Singh, learned counsel for the petitioners who are four in number and Sri Manoj Vashistha, learned Standing Counsel, who appears for respondents no. 1 to 4.

The case of the writ petitioners are that they are four in number and they were appointed on various dates in the institution by the name of Town National Inter College Saidpur, Ghazipur which is governed by the provisions of U.P. Intermediate Education Act, 1921 and the provisions of U.P. Act No. 24 of 1971 stands applicable.

The writ petitioner no.1 claims to be appointed as Assistant Teacher, who retired as a Principal on 30.6.2015, writ petitioner no.2 was selected as Assistant Teacher in the said institution who retired as a Lecturer on 31.6.2017, writ petitioner no.3 claims to be selected on the post of Assistant Teacher on 21.7.1973 and he retired as a Lecturer on 30.6.2012 as whereas the writ petitioner no.4 claims to be appointed on the post of Assistant Teacher on 8.7.1971 and he retired as a Lecturer on 30.6.2011.

In para 9 it has been asserted that the work and the conduct of the writ petitioners were unblemished and till their superannuation there was nothing adverse found against them, however in para 10 it has been asserted that by virtue of orders dated 22.9.2015, 25.5.2017, 24.9.2012 and 28.9.2012 passed by the second respondent, Deputy Director of Education (Secondary) 5th Region Varanasi reduction has been made from the pension of the writ petitioner. In 12 the description of the amount sought to be deducted has been recited which according to the writ petitioners with respect to the writ petitioners who are four in number are Rs.1,17,530/-, Rs.1,29,853/-, Rs.1,01,532/- and Rs.95,898/-. In para 13 the writ petitioner further claims that they are getting

monthly pension to the tune of Rs.59,839/-, Rs.59,109/-, Rs.45,737/- and Rs.49,700/-

The grievance of the writ petitioner is that the said deductions have been particularly when there was nothing adverse against them and no departmental inquiry whatsoever was conducted during their tenure on the respective post.

Prayer in the present petition is for a direction to refund the said amount.

It is also the submission of the learned counsel for the writ petitioners that actually there has been no determination or quantification done that too while putting the writ petitioners to notice and however only a direction has been issued to deduct the said amount.

Sri Manoj Vashistha, learned Standing Counsel submits that the issues with the writ petitioners seek to raise including the judgement which have been appended along with the writ petition needs consideration at the level of the second respondent, Deputy Director of Education (Secondary) 5th Region Varanasi who shall accord consideration to the claim of the writ petitioners after putting to notice the institution whereat the writ petitioners claim to be working though they have not been impleaded as a party-respondent. He further submits that let the writ petitioners represent their cause before the second respondent. He also submits that he does not propose to file any response to the writ petition.

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

Considering the submissions of the rival parties as well as stand taken by them, the writ petition is being disposed off without seeking any response from the respondents granting liberty to the writ petitioners to prefer a comprehensive representation along with the self-attested copy of the writ petition before the second respondent, Deputy Director of Education (Secondary) 5th Region Varanasi, on the receipt of the same, the second respondent shall look into the said aspect of the matter so raised by the writ petitioners and pleaded in the writ petition and thereafter while putting to notice the institution whereat the writ petitioners claim to have worked a final order be passed within a period of two months from the date of presentation of the certified copy of the order.

Needless to point out that the writ petition has been decided without seeking any response from the respondents. Thus, passing of this order may not be construed to an expression that this Court has gone into the merits of the case.

With the aforesaid observation, the writ petition is **disposed off**.

Order Date :- 1.11.2023

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