

Court No. - 36

Case :- WRIT - A No. - 18358 of 2023

Petitioner :- Smt Manju Devi

Respondent :- State Of U.P. And 5 Others

Counsel for Petitioner :- Anurag Shukla

Counsel for Respondent :- C.S.C., Yatindra

Hon'ble Manjive Shukla,J.

1. Heard learned counsel appearing for the petitioner, learned Standing Counsel appearing for the Respondents No. 1 to 4 as well as Mr. Yatindra, learned counsel appearing for the Respondents No. 5 and 6.

2. Learned counsel appearing for the petitioner has submitted that husband of the petitioner, while working on the post of Assistant Teacher in Senior Basic School Chhamka, Block Arniya, District Bulandshahr, died on 15.3.2012. Learned counsel appearing for the petitioner has further submitted that petitioner is entitled for payment of death-cum-retirement gratuity and family pension in lieu of death of her husband, but till date the respondents have not cleared off the aforesaid dues.

3. Learned counsel appearing for the petitioner has invited attention of this Court that the controversy involved in the present matter has already been settled by this Court vide judgment and order dated 7.11.2019 passed in **Writ-A No. 17399 of 2019 (Usha Rani Vs. State of U.P. and 6 others)**. Learned counsel appearing for the petitioner has also invited attention of this Court that pursuant to the aforesaid judgment of this Court, State Government itself has issued a Government Order dated 03.02.2023, wherein it is provided that if the death of any teacher working in the primary school takes place before he attains the age of 60 years then his legal heirs will be entitled for payment of death-cum-retirement gratuity and, therefore, the respondents while not paying the amount of death-cum-retirement gratuity to the petitioner is working in absolutely arbitrary manner.

4. Learned counsel appearing for the petitioner has pointed out that petitioner has already submitted repeated representations to the District Basic Education Officer, Bulandshahr, whereby she has requested for payment of death-cum-retirement gratuity and family

pension, but till date decision has not been taken by the District Basic Education Officer, Bulandshahr.

5. I have considered the submissions advanced by the learned counsel appearing for the petitioner and prima facie, it appears that the case of the petitioner is covered by the Government Order dated 03.02.2023 and the petitioner is entitled for the death-cum-retirement gratuity.

6. In view of the aforesaid reasons, this writ petition stands finally disposed of with liberty to petitioner to file a fresh representation before the District Basic Education Officer, Bulandshahr within fifteen days from today in respect of payment of death-cum-retirement gratuity and family pension and if such representation is filed and the case of the petitioner is covered by the Government Order dated 03.02.2023, then Respondents No.5 and 6 will pass a speaking and reasoned order for payment of death-cum-retirement gratuity and family pension to the persons entitled for the same, within a period of two months from the date of presentation of certified copy of this order.

Order Date :- 1.11.2023

Gaurav