

Court No. - 35

Case :- WRIT - A No. - 18537 of 2023

Petitioner :- Mithileshwar Prasad Singh

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

Counsel for Petitioner :- Sunil Kumar Singh

Counsel for Respondent :- C.S.C.

Hon'ble Vikas Budhwar,J.

1. Heard Sri Sunil Kumar Singh, learned counsel for the writ petitioner and Sri Pradeep Kumar Shahi, learned Additional Chief Standing Counsel who appears for respondents No. 1 to 5.

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

3. The case of the writ petitioner is that he was appointed on 14.03.1980 as CT Grade Teacher and he became Assistant Teacher L.T. Grade and he was accorded promotional pay scale, however, owing to certain managerial dispute a Writ Petition No. 18490 of 2007 was filed but the writ petitioner's salary was withheld without any reason. According to the writ petitioner he is superannuated on 31.03.2017, however, salary has not been paid from January, 2007 to October, 2014 amount whereof comes of 37 lacs and odd. Learned counsel for the writ petitioner submits that counterparts are getting the salary.

4. Prayer in the present petition is for payment of salary from January, 2007 to October 2014.

5. Sri Pradeep Kumar Shahi, learned Additional Chief Standing Counsel submits that the issue as to whether the writ petitioner is entitled to payment of salary needs determination at the first instance by the fourth respondent, District Inspector of Schools, Ballia. He submits that he does not propose to file any response to the writ petition and the writ petitioner may represent his cause before the fourth respondent.

6. 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 while granting liberty to the writ petitioner to prefer a comprehensive representation

before the fourth respondent, District Inspector of Schools, Ballia who shall along with the self attested copy of the writ petition and on the receipt of the same the fourth respondent shall accord consideration to the same strictly in accordance with law without being influenced or obsessed by any of the observations made hereinabove after putting to notice the sixth respondent bearing in mind the total sanctioned strength, number of vacancies and other ancillary and incidental issues including the issue of delay, if any, within a period of three months from the date of production of certified copy of the order.

7. With the aforesaid observations, the writ petition stands disposed of.

Order Date :- 16.11.2023

Rajesh