

Court No. - 35

Case :- WRIT - A No. - 18408 of 2023

Petitioner :- Ashok Kumar Singh

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

Counsel for Petitioner :- Sankalp Narain, Hritudhwaj
Pratap Sahi, Srivats Narain

Counsel for Respondent :- C.S.C.

Hon'ble Vikas Budhwar, J.

1. Heard Sri Aaditya Vikram, Advocate (A/A 1861/2021) holding brief of Shri H.P. Sahi, learned counsel for the writ petitioner and Sri Pradeep Kumar Sahi, learned Standing Counsel, who appears for Respondents 1 and 2.

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

3. The case of the writ petitioner that he was appointed as an assistant teacher in L.T. Grade on 17.07.1995 on ad-hoc basis in the third respondent institution Shri Shiv Pratap Singh Inter College Panwari Kalan, District Mirzapur which is an institution recognised under the provisions of Intermediate Education Act, 1921 and Payment of Salary Act stands applicable. It is further the case of the writ petitioner that he was paid salary from 17.07.1995 to May 2014, however, it was abruptly stopped as according to him there were certain complaints that on the basis whereof when an enquiry was conducted it was found that the B.Ed. Degree of the writ petitioner was not verifiable. The writ petitioner claims to have retired on 31.03.2023, however he has not been paid genuine provident fund and

salary for the period from August 1997 to April 2014, the writ petitioner claims to have represented his cause before the second respondent, District Inspector of Schools, Mirzapur.

4. Prayer in the present petition is for a direction to decide the representation moved by the writ petitioner for claiming the said benefits.

5. Learned Additional Chief Standing Counsel on the other hand submits that the question with regard to the payment of salary which according to the writ petitioner has been withheld since 2014 is concerned, the writ petition is barred by delay and laches, as the writ petitioner stood retired on 31.03.2023. He further submits that so far as the issue with regard to GPF is concerned, no reasons are forthcoming from the averments made in the writ petition. According to him, the writ petitioner may represent his cause before the second respondent, District Inspector of Schools, Mirzapur.

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

7. 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 petitioner to prefer a comprehensive representation along with the self-attested copy of the writ petition before the second respondent, who shall on the receipt of the same, proceed to decide the claim of the petitioner strictly in accordance with law after putting to notice the third respondent within a period of

two months from the date of presentation of the certified copy of the order bearing in mind the issue as to whether there happens to be any adverse order passed withholding the payment of salary and non-payment of GPF and also the issue with regard to the delay which is being canvassed by the respondents in that regard.

8. 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.

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

Order Date :- 2.11.2023

A. Prajapati