

Court No. - 35

Case :- WRIT - A No. - 18831 of 2023

Petitioner :- Krishna Kant Singh

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Amrendra Pratap Singh, Vijay Kumar Singh

Counsel for Respondent :- C.S.C.

Hon'ble Vikas Budhwar, J.

1. On the oral request of learned counsel for the writ petitioner, Regional Level Committee, Mirzapur be impleaded as sixth respondent during the course of the day.

2. Amrendra Pratap Singh, learned counsel for the writ petitioner, Sri H.K. Shukla and learned Standing Counsel who appears for respondents No. 1 to 4.

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

4. The case of the writ petitioner is that there is an institution, Chandra Shekhar Azad, Uchhtar Madhyamik Vidyalay, Gaura, Mirzapur which is recognized under the provisions of U.P. Intermediate Education Act, 1921 and the provisions of U.P. Act No. 24 of 1971 stand applicable. As per the writ petitioner he was appointed as C.T. Grade Teacher in the said institution on 30.06.1986 against a vacancy which stood arisen. It is further the case of the writ petitioner that consequent to superannuation of one Sri Ram Chandra Singh Principal on 26.05.1989 and the acceptance of the representation on 28.06.1991 one Sri Paras Nath Singh took over the charge of the Principal of the institution in question and the writ petitioner at that point of time was already working as the C.T. Grade Teacher. It is further the case of the writ petitioner that Paras Nath Singh never reverted back to the post in question, according to the writ petitioner consequent to the abolition of post of C.T. Grade, the status of the writ petitioner stood transformed as L.T. Grade Teacher and he continued on the said post till his retirement on 31.03.2022, however, according to the writ petitioner since his services were not regularized by the respondents, he is not being made admissible from the payment of pension.

5. Prayer in the present petition is for a direction to the respondents to accord pension to the writ petitioner.

6. Learned counsel for the writ petitioner relies upon the document appended as Annexure 6/7 at pages 45 to 48 of the paper book being the communications dated 27.08.2022, 27.01.2023 and 21.05.2023 wherein a stand has been taken that since the services of the writ petitioner has not been regularized so cannot be paid pension. It is the submission of the learned counsel for the writ petitioner that he has been appointed on the post in question and continued uninterruptedly till his superannuation on the post in question, according to him even otherwise a decision is to be taken with respect to regularization and also payment of pension in this regard.

7. Sri H.K. Shukla, learned Standing Counsel who appears for respondents No. 1 to 4 submits that the issue as to whether the writ petitioner is entitled to the benefits of pension post regularization needs determination by the competent authority, he submits that the writ petitioner may approach the competent authority as in the case of regularization in the Regional Level Committee, Prayagraj who shall accord consideration to the claim of the writ petitioner for regularization and also for pension, in case, the Regional Level Committee is of the opinion that the matter needs to be redressed by any other authority the third respondent, Deputy Director of Education then he shall forward the documents for the payment of pension.

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

9. Considering the submission of the rival parties as well as the stand taken by them, the writ petition is being disposed of granting liberty to the writ petitioner to approach the sixth respondent by filing a comprehensive representation along with self attested copy of the writ petition and on the receipt of the same the sixth respondent, Regional Level Committee, Mirzapur shall decide the claim of the writ petitioner after putting to notice the fifth respondent and also the writ petitioner within a period of three months from the date of production of certified copy of the order.

10. Needless to point out that this Court has not adjudicated on the merits of the matter.

Order Date :- 8.11.2023

Rajesh