

Court No. - 36

Case :- WRIT - A No. - 19477 of 2023

Petitioner :- Uma Shankar

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

Counsel for Petitioner :- Kamal Kumar Keshewani

Counsel for Respondent :- C.S.C., Chandra Shekhar Singh

Hon'ble Manjive Shukla, J.

1. Heard learned counsel appearing for the petitioner, learned Standing Counsel appearing for the Respondents No.1 and 2 as well as Shri Chandra Shekhar Singh, learned counsel appearing for the Respondents No. 3 and 4.

2. Facts of the case, in brief, are that wife of the petitioner while working on the post of Assistant Teacher in Primary School Atrari, Block Mohammadabad Gohna, District Mau died on 25.11.2012. Since age of wife of the petitioner on the date of death was less than 60 years, as such, petitioner became entitled for payment of death-cum-retirement gratuity.

3. Learned counsel appearing for the petitioner has submitted that death-cum-retirement gratuity has been paid to the petitioner on 16.06.2023 but there is delay in payment of said amount and, therefore, petitioner is entitled for the interest on the delayed payment at suitable rate.

4. Learned counsel appearing for the petitioner has invited attention of this Court towards bunch of identical Writ Petitions which have already been decided by this Court vide judgement and order dated 24.04.2023 passed in leading Writ-A No. 5552 of 2023 wherein it has been held that if there is delay in payment of death-cum-retirement gratuity then the interest is liable to be paid by the respondents at the rate of 8% per annum.

5. Learned counsel for the petitioner has vehemently argued that petitioners' case is squarely covered by the judgement and order dated 24.04.2023.

6. In view of the aforesaid submissions advanced by the learned counsel appearing for the petitioner, liberty is given to petitioner file fresh representation before Respondent No. 3 within a period of fifteen days from today and if the said representation is filed then the same shall be decided by

Respondent No. 3 within a period of two months thereafter.

7. With the aforesaid direction, this Writ Petition is ***disposed of***.

Order Date :- 1.12.2023

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