Court No. - 36

Case :- WRIT - A No. - 18758 of 2023

Petitioner :- Abdul Moid Khan
Respondent :- State Of U.P. And 2 Others
Counsel for Petitioner :- Devendra Vikram Singh,Damodar Singh
Counsel for Respondent :- C.S.C.,Shashi Prakash Singh

Hon'ble Manjive Shukla,J.

1. Heard learned counsel appearing for the petitioner and learned Standing Counsel appearing for the Respondent No. 1 as well as Mr. Shashi Prakash Singh, learned counsel appearing for the Respondents No. 2 & 3.

2. Learned counsel appearing for the petitioner has submitted that wife of the petitioner, while working on the post of Assistant Teacher at Primary School, Akbalpur, Block Lalganj, District Azamgarh died on 20.04.2021. Learned counsel appearing for the petitioner has further submitted that on the date of death, the age of wife of the petitioner was less than 60 years and, therefore, petitioner is entitled for death-cum-retirement gratuity but the respondents have not paid the amount due towards death-cum-retirement gratuity till date, which is absolutely arbitrary.

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. 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.

5. In view of the aforesaid reasons, this Writ Petition stands finally ***disposed of*** with a direction to Respondents No. 2 & 3 to consider the case of petitioner and if his case is covered by G.O. dated 03.02.2023 then they will ensure the payment of the death-cum-retirement gratuity to the persons legally entitled for the same within a period of two months from the date of presentation of certified copy of this order.

Order Date :- 8.11.2023
Gaurav

Digitally signed by :-
GAURAV PATEL
High Court of Judicature at Allahabad