

Court No. - 35

Case :- WRIT - A No. - 18978 of 2023

Petitioner :- Shailendra Kumar Singh And Another

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

Counsel for Petitioner :- Gopal Ji Rai

Counsel for Respondent :- C.S.C.

Hon'ble Vikas Budhwar,J.

At the very outset Shri Gopal Ji Rai, learned counsel for the writ petitioner seeks to withdraw the present writ petition, seeking mandamus to the third respondent herein, Deputy Director of Education, Azamgarh, Region Azamgarh for grant of death-cum-retirement gratuity as according to him, the mother of the writ petitioner Smt. Sumitra Devi had filed Writ A No. 41396 of 2008 (Smt. Sumitra Dev. Vs. State of U.P. and others) challenging the order whereby her claim was rejected on 14.09.2007, 27.03.2008 and 14.02.2001. He submits that the said writ petition has been dismissed as infructuous on 18.12.2019 order whereof is quoted hereinunder:

"List revised. Case called out.

No one appears on behalf of the petitioner to press this writ petition.

Learned standing counsel is present for the State respondents.

It appears that the writ petition has become infructuous.

Therefore, it is dismissed with liberty to the petitioner to file a recall application within 30 days, if according to him writ petition has not become infructuous.

Interim order, if any, granted earlier is vacated."

The Court finds that the said orders which negated the claim of the mother of the writ petitioner are not under challenged in the present petition.

Confronted with the said situation, the learned counsel for the writ petitioner submits that he shall be moving a restoration application along with the substitution application and delay condonation application in the pending writ petition.

Learned Standing Counsel has no objection to the same.

The writ petition is **dismissed** as withdrawn with liberty to the writ petitioner to prefer appropriate application as contemplated under law.

Order Date :- 9.11.2023

A. Prajapati