

Court No. - 35

Case :- WRIT - A No. - 18980 of 2023

Petitioner :- Ramapati Dwivedi And Another

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

Counsel for Petitioner :- Ram Krishna Yadav

Counsel for Respondent :- C.S.C.

Hon'ble Vikas Budhwar,J.

Heard Sri Ram Krishna Yadav, learned counsel for the writ petitioners and Sri Pradeep Kumar Shahi, learned Additional Chief Standing Counsel, who appears for Respondents 1, 2, 3 and 4.

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

The case of the writ petitioners is that they were appointed as assistant teachers on 24.03.1981 and 20.02.1981 in the fifth respondent-institution, Jawahar Lal Nehru Kisan Inter College, Gauspur, Basti approval whereof was granted by the District Basic Education Officer, Basti and later on, the said institution got upgraded up to High School on 27.05.1981 and came into list of the State Government on 01.04.1991 and they consequent to the taking of the said institution under grant-in-aid list are getting their salary from 01.12.2007 and 10.08.2008 from the State Exchequer and they superannuated on 31.03.2019 and 31.03.2022, the writ petitioners submitted that on the date of retirement, they were getting salary of Rs. 64,100/- and Rs. 68,000/- thus, they have been paid the pension half of the same. The writ petitioners claim that their

case is covered by the judgments in Writ A No. 62149 of 2009 (Lal Sahab Singh and others Vs. State of U.P. and others) decided on 08.09.2021 and other judgments.

Prayer in the present petition is for a direction to revise the pension while including total services undergone by them.

Shri Pradeep Kumar Shahi, learned Standing Counsel who appears for the official respondents submits that the issues are with the writ petitioners are seeking to raise needs determination at the first instance by the second respondent, Director of Education (Secondary), Pension Anubhag-2, Shiksha Nideshalaya, U.P. Allahabad, thus, the writ petitioners may represent their cause before the second respondent. He further submits that he does not file any response.

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

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 petitioners 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 petitioners strictly in accordance with law, bearing in mind the relevant statutory provisions as well as the law existing on land in case the second respondent is of the opinion that the matter needs to be addressed by any authorities and papers to

be transmitted with due communication to the writ petitioners and the fifth respondent within a period of three months from the date of presentation of the certified copy of the order.

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.

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

Order Date :- 9.11.2023

A. Prajapati