

**Court No. - 35**

**Case :-** WRIT - A No. - 18954 of 2023

**Petitioner :-** Abhayraj Pal

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

**Counsel for Petitioner :-** Rajnish Kumar Srivastava, Siddharth Srivastava

**Counsel for Respondent :-** C.S.C.

**Hon'ble Vikas Budhwar, J.**

Heard Sri Siddharth Srivastava, learned counsel for the petitioner and Sri H.K. Shukla, learned Standing Counsel, who appears for Respondents 1, 2 and 3.

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

The case of the writ petitioner is that a post of lecturer Geography fell vacant on account of leave granted to one Dr. Satya Ram. The writ petitioner claims to have been appointed on ad-hoc basis on 27.11.1997, he joined the institution on 28.11.1997, since approval was not accorded, he preferred Writ A No. 12238 of 1998 which came to be disposed of on 21.04.1998 and the approval was granted on 14.11.1998 and his services stood regularised by virtue of an order dated 03.04.1997 passed by the Joint Director of Education, Varanasi, Region Varanasi w.e.f. 22.03.2016 in view of the provisions contained under Section 16 (G) of the U.P. Act No. 05 of 1982. The writ petitioner claims to have retired on 31.03.2022, however he has not been paid pensionary benefits except G.P.F. and group insurance.

Prayer in the present petition is for a direction to pay pension to

the writ petitioner while relying upon the judgment in the case of Nand Lal Vs. State of U.P. in Writ A No. 12070 of 2022 decided on 30.09.2022 and other judgments.

Learned Standing Counsel who appears for the respondents submits that the issue as to whether the writ petitioner is entitled to pension in the wake of the fact that his services stood regularised w.e.f. 22.02.2016 and the previous ad-hoc services is to be counted needs determination at the first instance by the third respondent, Deputy Director of Education Varanasi Region, Varanasi. He submits that the writ petitioner may represent his cause before the third respondent and further submits that he does not propose to file any response.

To such a submission, learned counsel for the petitioner 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 petitioner to prefer a comprehensive representation along with the self-attested copy of the writ petition before the third respondent, who shall on the receipt of the same, proceed to decide the claim of the petitioner strictly in accordance with law, the third respondent shall put to notice to fourth respondent and decided the entitlement of the writ petitioner in the light of the law existing on land 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