

Court No. - 35

Case :- WRIT - A No. - 19024 of 2023

Petitioner :- Balkishun Tiwari

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

Counsel for Petitioner :- Sanjay Kumar Asthana, Nand Kishor Mishra

Counsel for Respondent :- C.S.C.

Hon'ble Vikas Budhwar, J.

Heard Ms. Shilpa Ahuja (AOR A/S 2761/14) holding brief of Sri N.K. Mishra, learned counsel for the writ petitioner, Sri Santosh Kumar Mishra, learned Standing Counsel, who appears for Respondents 1 to 3.

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

The case of the writ petitioner is that he was appointed as Assistant Teacher on 15.03.1988 in the institution Shri Sitaram Sanskrit Madhyamik Vidyalaya, Jaitpur, District Mahoba and he took voluntary retirement on 31.03.2022 according to the writ petitioner on 29.09.2022 prior to his retirement he was made admissible to all the retiral dues except GPF.

Prayer in the present petition is for payment of GPF.

Sri Sri Santosh Kumar Mishra, learned Standing Counsel, who appears for respondents no.1 to 3 submits the issue needs determination at the first instance by the third respondent, District Inspector of Schools, Etawah, let the writ petitioner may represent his cause before the third respondent. He further submits that they do not propose to file any response to the writ petition.

To the said 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 of without seeking any response from the respondents granting liberty to the writ petitioner to approach the third respondent, District Inspector of Schools, Etawah while filing a comprehensive representation

and the third respondent shall on the receipt of the same put to notice the fourth respondent and thereafter proceed to decide the claim of the petitioner strictly in accordance with law within a period of two months from the date of presentation of the certified copy of the order. In case, the third respondent is of the opinion that the matter needs to be redressed by any other authority then the papers be transmitted to it with due communication to the writ petitioner Principal of the institution, Committee of Management/Authorized Controller of the institution.

Needless to point out that the writ petition has been decided on ex parte version 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 of.

Order Date :- 9.11.2023

Rajesh