

Court No. - 36

Case :- WRIT - A No. - 19061 of 2023

Petitioner :- Arvind Kumar

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

Counsel for Petitioner :- Durga Shanker Mishra

Counsel for Respondent :- C.S.C., Ashutosh Mishra

Hon'ble Manjive Shukla, J.

1. Heard learned counsel appearing for the petitioner, learned Standing Counsel appearing for the Respondents No. 1 & 2 as well as Mr. Ashutosh Mishra, learned counsel appearing for the Respondents No. 3 & 4.

2. Petitioner in his writ petition has stated that his father Mr. Bramhpal Singh while working on the post of Assistant Teacher died on 19.02.2011 and therefore, family pension was sanctioned in favour of his mother. Mother of the petitioner also died on 12.07.2022.

3. Learned counsel appearing for the petitioner has submitted that initially there was provision that full family pension shall be admissible only till the age of 65 years but later on the said provision has been amended and it has been provided that full family pension shall be admissible till completion of 10 years from the date of death of the teacher.

4. Learned counsel appearing for the petitioner has argued that since petitioner's mother was paid full family pension only till the month of June, 2017 whereas she was entitled for full family pension till the month of February, 2021, therefore, arrears of family pension ought to be paid.

5. Learned counsel appearing for the petitioner has invited attention of this court towards representation dated 03.10.2023 submitted by the petitioner before the District Basic Education Officer, Muzaffar Nagar, whereby he has requested for payment of arrears of family pension admissible to his mother.

6. Learned counsel appearing for the petitioner has argued that the aforesaid representation dated 03.10.2023 has not been decided till date.

7. On the other hand, Mr. Ashutosh Mishra, learned counsel appearing for the Respondents No. 3 & 4 has very fairly submitted that since the petitioner has already submitted a representation before the District Basic Education Officer, Muzaffar Nagar, therefore, grievance of the petitioner can very well be seen and redressed by the District Basic Education Officer, Muzaffar Nagar.

8. In view of the aforesaid submissions, without entering into merits of the case, this writ petition is finally ***disposed of*** with a direction to District Basic Education Officer, Muzaffar Nagar to consider and decide petitioner's representation dated 03.10.2023 contained in Annexure No. 10 to the writ petition by passing a speaking and reasoned order within a period of two months from the date of service of certified copy of this order.

Order Date :- 16.11.2023

Gaurav