

Court No. - 35

Case :- WRIT - A No. - 19082 of 2023

Petitioner :- Atar Singh And Another

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

Counsel for Petitioner :- Gautam Baghel

Counsel for Respondent :- C.S.C.

Hon'ble Vikas Budhwar,J.

Heard Sri Utkarsh Singh, holding brief of Sri Gautam Baghel, learned counsel for the petitioners and Sri Shailendra Singh 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.

It is case of the writ petitioners that the fourth respondent institution, Sri Sunder Singh Inter College, Ramgarh Harchandpur, District Auraiya was brought in grant-in-aid list of the State Government in the year 1989 and imparts education from Class-1 to Class-12. Initially primary section was not receiving grant in aid from the State Government but it was brought on grant in aid list on 1.10.1989 by virtue of Government Order dated 6.9.1989. The writ petitioner no.1 claims to have been appointed as an Assistant Teacher on 1.12.1974 in the primary section and he superannuated on 30.6.2003 as whereas the writ petitioner no.2 was appointed as an Assistant Teacher in attached primary section on 22.8.1978 and superannuated on 30.6.2001. An order stated to have been passed on 2.7.1999 wherein a financial approval has been accorded to the writ petitioners followed another order dated 27.12.1989 with respect to the writ petitioner no.2, the said institution the primary section was also extended the benefit of 1964, Pension Rules on 20.1.2004. For the payment of pension taking into account the entire services, he seeks to rely upon the decision in **Writ-A No.28679 of 2015, Sri Krishna Prasad Yadav vs. State of U.P.** as well as the decision in the case of **Mangali Prasad Verma vs. State of U.P., Writ-A No.17819 of 2007.**

Learned Standing Counsel submits that the issues with the writ petitioners seeks to raise needs determination at the first instance by the second respondent, Deputy Director of Education, Kanpur Region, Kanpur. He further submits that he does not propose to file

any response to the writ petition.

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 second respondent, Deputy Director of Education, Kanpur Region, Kanpur who shall on the receipt of the same, put to notice to the fourth respondent and thereafter proceed to decide the claim of the petitioner strictly in accordance with law 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 :- 16.11.2023

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