

Court No. - 35

Case :- WRIT - A No. - 19222 of 2023

Petitioner :- Saket Prasad

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

Counsel for Petitioner :- Shiv Sagar Singh

Counsel for Respondent :- C.S.C., Vivek Kumar Rai

Hon'ble Vikas Budhwar,J.

Heard Sri Shiv Sagar Singh, learned counsel for the writ petitioner, Sri P.K. Shahi, learned Addl. Chief Standing Counsel, who appears for Respondents 1 and 2 and Sri Ravi Prakash (AOR No.0956 of 2018) holding brief of Sri Vivek Kumar Rai, learned counsel for Respondent Nos. 3 and 4.

The case of the writ petitioner is that he was initially appointed on ad hoc basis on the post of Class-IV employee in Dr. Bhim Rao Ambedkar University, Agra pursuant to a decision of the Executive Council dated 18.02.1985 and his services stood regularized on 09.01.1993 and was promoted as Clerk on 13.05.2015, but owing to certain allegations relatable to offences under Penal Code on the basis of an envelope which was received by the University, criminal proceedings were undertaken. The writ petitioner claims that he was also entitled for promotion on the higher post, which his counterparts were granted. However, he superannuated on 31.01.2023, and he was placed under suspension, but he was paid only 75% of the subsistence allowance for the period from 25.04.2018 to 18.12.2019, however, leave encashment as well as the benefits referable to gratuity has not been extended to him, though he has been extended the provisional pension.

Prayer in the present petition is for payment of gratuity, commutation and leave encashment, 25 % of the balanced subsistence allowance and in the alternative to take decision on the representation of the writ petitioner.

Sri Shiv Sagar Singh, learned counsel for the writ petitioner submits that the University has constituted a Committee to go into the said aspect of the matter.

Having heard the learned counsel for the parties and perused the record, the writ petition is being disposed off without seeking any response from the respondents granting liberty to the writ petitioner to approach the third respondent, Registrar, Dr. Bhim

Rao Ambedkar University, Agra along with a comprehensive representation accompanied with self-attested copy of the writ petition, who shall, on the receipt of the same, proceed to decide the claim(s) of the writ petitioner within a period of two months from the date of production of certified copy of the order.

With the aforesaid observations the writ petition stands **disposed off**.

Order Date :- 4.12.2023

N.S.Rathour