Court No. - 36

Case :- WRIT - A No. - 19357 of 2023

Petitioner :- Smt.Manjula Srivastava
Respondent :- State Of U.P. And 4 Others
Counsel for Petitioner :- Sudheer Rana
Counsel for Respondent :- C.S.C,Shivendra Singh Bhadauria

Hon'ble Manjive Shukla,J.

1. Heard learned counsel for the petitioner, learned Standing Counsel appearing for Respondents No. 1 and 2 as well as Sri Shivendra Singh Bhadauria, learned counsel appearing for Respondents No.3, 4 and 5.

2. Learned counsel for the petitioner has submitted that petitioner while working on the post of Assistant Teacher in Uccha Prathmik Vidyalaya Talibpur, Block Bhitaura, Distirct Fatehpur, has applied for voluntary retirement from service due to his illness on 30.08.2019 before District Basic Education Officer, Fatehpur. The voluntary retirement of the petitioner from service has been accepted by District Basic Education Officer, Fatehpur vide order dated 23.3.2020. Learned counsel for the petitioner has further submitted that on the date of voluntary retirement, the age of the petitioner was less than 60 years and, therefore, petitioner is entitled for retirement gratuity but the respondents have not paid the amount due towards retirement gratuity till date, which is absolutely arbitrary.

3. Learned counsel for the petitioner has invited attention of this Court that the controversy involved in the present matter has already been settled by this Court vide judgment and order dated 7.11.2019 passed in **Writ-A No. 17399 of 2019 (Usha Rani Vs. State of U.P. and 6 others).** Learned counsel for the petitioner has also invited attention of this Court that State Government itself has issued a Government Order dated 23.08.2017 wherein it is provided that if the death/retirement of any teacher working in the primary school takes place before he attains the age of 60 years then he will be entitled for payment of gratuity and, therefore, the respondents while not paying the amount of gratuity to the petitioner are working in absolutely arbitrary manner.

4. I have considered the submissions advanced by the learned counsel for the petitioner and prima facie it appears that the case of the petitioner is covered by the Government Order dated

23.08.2017 and the petitioner is entitled for the gratuity.

5. In view of the aforesaid reasons, this Writ Petition stands finally disposed of with a direction to Respondent No. 4 and 5 to consider the case of petitioner and if her case is covered by G.O. dated 23.08.2017 then they will ensure the payment of the gratuity to the petitioner within a period of two months from the date of presentation of certified copy of this order.

Order Date :- 22.11.2023
Salim

Digitally signed by :-
SALIM PRAVEJ
High Court of Judicature at Allahabad