

Court No. - 36

Case :- WRIT - A No. - 19630 of 2023

Petitioner :- Malti Devi

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Sunil Kumar Pandey, Vidya Kant Tripathi

Counsel for Respondent :- C.S.C., Sunil Kumar Dubey

Hon'ble Manjive Shukla, J.

1. Heard learned counsel appearing for the petitioner, learned Standing Counsel appearing for the Respondent No.1 as well as Sri Sunil Kumar Dubey, learned counsel appearing for the Respondents No.2 and 3.
2. Facts of the case, in brief, are that husband of the petitioner while working on the post of Assistant Teacher in Primary School Nevdiya, Block Kon, District Mirzapur, died on 20.05.2000.
3. Since age of husband of the petitioner, on the date of death was less than 60 years, as such, petitioner became entitled for payment of death-cum-retirement gratuity payable to her husband.
4. Learned counsel appearing for the petitioner has submitted that the death-cum-retirement gratuity has been paid to the petitioner on 13.04.2023 but there is delay in payment of said amount and, therefore, petitioner is entitled for the interest on the delayed payment at suitable rate.
5. Learned counsel appearing for the petitioner has also invited attention of this Court towards bunch of identical Writ Petitions which have already been decided by this Court vide judgement and order dated 24.04.2023 passed, in leading Writ-A No. 5552 of 2023 wherein it has been held that if there is delay in payment of death-cum-retirement gratuity then the interest is liable to be paid by the respondents at the rate of 8% per annum.
6. Learned counsel appearing for the petitioner has vehemently argued that petitioners' case is squarely covered by the aforesaid judgement and order dated 24.04.2023.
7. In view of the aforesaid submissions made by the learned

counsel appearing for the petitioner, liberty is given to petitioner to file representation before Respondent No. 3 within a period of three weeks from today and if said representation is filed then the same shall be decided by Respondent No. 3 within a period of one month thereafter.

8. With the aforesaid direction, this Writ Petition is **disposed of**.

Order Date :- 28.11.2023

Kumar Manish.