

**Court No. - 33**

**Case :-** WRIT - A No. - 19475 of 2023

**Petitioner :-** Phoolchand Yadav

**Respondent :-** Managing Director, U.P. Jal Nigam (Rural) and others

**Counsel for Petitioner :-** Ashutosh Kumar Rai

**Counsel for Respondent :-** Sanjay Kumar Om

**Hon'ble J.J. Munir,J.**

**(Order on the Writ Petition)**

In compliance with the order dated 07.12.2023, a personal affidavit of the Executive Engineer, U.P. Jal Nigam (Rural) Sonbhadra has been filed. It is an affidavit of one Mahendra Singh.

In paragraph Nos. 7, 8 and 9 of the affidavit, it is averred :

7. That in compliance of the order dt. 16.3.2023 passed by this Hon'ble Court, the entire dues of the petitioner towards his Gratuity has been paid by the deponent vide its order dt. 17.4.2023. A copy of order dt. 17.4.2023 is annexed herewith and is marked as **Annexure-1** to this affidavit.

However thereafter in pursuant to a query made by the petitioner, deponent vide its letter dt. 22.5.2023 has informed the petitioner about the recovery made from the Gratuity of the petitioner.

It is however further respectfully submitted that the letter dt. 22.5.2023 has been issued erroneously and the deponent vide its order dt. 6.12.2023 has withdrawn the letter dt. 22.5.2023 without any prejudice to the rights of U.P. Jal Nigam (Rural) for the recovery to be made against the petitioner after issuing him fresh notice in this regard. A copy of the order dt. 6.12.2023 passed by the deponent is annexed herewith and is marked as **Annexure-2** to this affidavit.

8. That it is respectfully submitted that the letter dt. 22.5.2023 has been issued by the deponent due to erroneous interpretation of the order dt. 16.3.2023, however, the same is wholly inadvertent, genuine and bonafide.

9. That the deponent further craves leave of this Hon'ble Court to permit him to issue a fresh show cause notice in compliance of ] order dt. 16.3.2023 passed by this Hon'ble Court.

This petition is, accordingly, **disposed of**, with liberty to the respondents to proceed in accordance with law.

**(Order on Civil Misc. Stay Application No. 1 of 2023)**

**Disposed of.**

For orders, see my order of date passed on the writ petition.

**Order Date :- 12.12.2023**

I. Batabyal