

Court No. - 35

Case :- WRIT - A No. - 19381 of 2023

Petitioner :- Akhlaq Ahmad

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Irfan Raza Khan, Sr. Advocate

Counsel for Respondent :- C.S.C.

Hon'ble Vikas Budhwar, J.

1. Instructions provided by Shri Ratan Deep Mishra, learned Standing Counsel on behalf of respondent No. 3, District Minority Welfare Officer, Prayagraj dated 17.11.2023 is kept on record and marked as appendix A.

2. Heard learned counsel for the petitioner and Sri Ratan Deep Mishra, learned Standing Counsel who appears for the respondent Nos. 1 to 3.

3. In view of the order, which is being proposed to be passed today, notices are not being issued to the 4th and 5th respondent.

4. The case of the writ petitioner is that he was initially appointed as an assistant teacher (Aliya) in Madarsa Hidayatul Muslemeen, Dondipur, Allahabad/Prayagraj on 10.04.1994, approval whereof was granted on 11.05.1994 and after completion of 12 years of service, the claims to have been accorded selection grade w.e.f. 05.04.2006 and after 12 years, super selection grade. The writ petitioner claims to have been taken voluntary retirement on 30.12.2002, the grievance of the writ petitioner that he was not paid GPF and so far as the

other promotional grades are concerned, they are wrongly withheld by the committee of management of the institution in question.

5. Shri Ratan Deep Mishra, learned Standing Counsel who appears for the respondent Nos. 1 to 3 on the other hand submits that as per the instructions received by him which has been forwarded today so far as the issue with regard to the GPF is concerned, the amounts comes to the Rs. 15,73,570/-, the same has been communicated on 02.02.2023 under the signatures of the District Minority Welfare Officer, Prayagraj addressed to the second respondent. He further submits that so far as the issue relatable to the promotional pay-scales and regular grade whatever the case may be, the same is pending consideration before the committee of management.

6. At this juncture, learned counsel for the writ petitioner submits that though GPF has been computed but without any interest.

7. Considering the submissions of the rival parties as well as stand taken by them, the writ petition is being **disposed off** in the following manner:

a). The writ petitioner shall approach the second respondent, Director, Minority Welfare Department, U.P. at Lucknow while filing a comprehensive representation along with self-attested copy of the writ petition by 08.12.2023.

b). On the receipt of the same, the second respondent shall put to notice the fourth and fifth respondent and thereafter fix a date in the week commencing on 18.12.2023 and after

examining the entire aspects, proceed to determine and quantify the interest component if it is admissible to the writ petitioner for no fault of the writ petitioner and thereafter take adequate steps for payment of the same within two weeks thereafter. So far as the issue relatable to the payment of the promotional pay-scale as claimed by the writ petitioner as well as arrears of salary is concerned, the second respondent shall issue necessary order directing the fourth and fifth respondent to process the claim within the said period.

8. With the aforesaid observation, the writ petition is **disposed off**.

Order Date :- 1.12.2023

A. Prajapati