

Court No. - 35

Case :- WRIT - A No. - 19930 of 2023

Petitioner :- Ramlal

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

Counsel for Petitioner :- Suresh Bahadur

Counsel for Respondent :- C.S.C.

Hon'ble Vikas Budhwar,J.

Heard Sri Suresh Bahadur, learned counsel for the petitioner and Sri Santosh Kumar, the learned Standing Counsel, who appears for Respondents 1, 2 and 3.

In view of the order, which is being proposed to be passed today, notices are not being issued to the fourth respondent.

The case of the writ petitioner is that he claims to have been appointed on the post of Pricharak on 12.04.1990 in the fourth respondent Institution, P.B. Girls Intermediate College, Khalilabad, District Sant Kabir Nagar and superannuated on 31.07.2021. According to the writ petitioner, he is not being paid the correct pension, which he is entitled to be paid. He submits that owing to certain allegations referable to encashment of the cheque without therebeing any departmental proceedings, the post-retirement benefits have been withheld.

Sri Santosh Kumar, who appears for the official respondents submits that the payment of pension as per the expectation of the writ petitioner depends upon the various factors inclusive of the fact as to whether there was any departmental proceedings initiated prior to the retirement of the writ petitioner, coupled with the fact as to whether the writ petitioner is entitled to the pension, which he is claiming. He submits that the said issue needs determination at the first instance by the second respondent, Deputy Director of Education (Madhyamik), Basti Division, Basti. He further submits that he does not propose to file any response to the writ petition.

To such a submission, learned counsel for the writ petitioner has no objection and he gracefully accepts the same.

Considering the submission of the rival parties as well as the stand taken by them, the writ petition is being disposed off without seeking any response from the respondents granting liberty to the writ petitioner to approach the second respondent, along with a

comprehensive representation accompanied with self-attested copy of the writ petition, who shall, on the receipt of the same, put to notice the fourth respondent and thereafter proceed to examine the entitlement of the writ petitioner within a period of two months from the date of production of certified copy of the order bearing in mind the issue as to whether any departmental proceeding was initiated against the writ petitioner prior to his retirement, the entitlement of the writ petitioner and other incidental or ancillary issue.

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

Order Date :- 1.12.2023

N.S.Rathour