

Court No. - 36

Case :- WRIT - A No. - 19789 of 2023

Petitioner :- Shivnandan Singh

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

Counsel for Petitioner :- Rajesh Kumar Yadav

Counsel for Respondent :- C.S.C., Manvendra Singh

Hon'ble Manjive Shukla, J.

1. Heard learned counsel appearing for the petitioner, learned Standing Counsel appearing for the Respondent No.1 and Mr.Manvendra Singh, learned counsel appearing for the Respondents No.2 & 3.

2. Petitioner has filed this writ petition inter-alia praying therein for the following reliefs:

"(i) Issue a writ, order or direction in the nature of mandamus directing the Respondent authorities to release and pay the 18% interest to the petitioner on the entire amount of arrears of gratuities amount of Rs. 16,25,364/- release on dated 23.05.2023 and on dated 05.09.2023 by the respondent authorities after about three years from the date of death of wife of the petitioner, which are due up till date on behalf of Smt. Anupam Yadav (Deceased) which was illegally and deliberately detained by the respondent authorities with mala fide intention.

(ii) Issue a writ, order or direction in the nature of mandamus directing the Respondent No.2 to decide the representation/reminder filed by the petitioner dated 07.07.2023 within stipulated period."

3. Learned counsel appearing for the petitioner has submitted that petitioner's wife while working on the post of Head-Mistress at Prathmik Vidyalaya Peerpur, Block and District Mainpuri has died on 18.08.2020. It has further been submitted that though, petitioner was entitled for dues of his wife just immediately after the date of death but due to slackness on the part of respondents dues have been cleared off in the year 2023.

4. Learned counsel appearing for the petitioner has argued that since death-cum retiral dues have been paid with inordinate delay therefore, petitioner is entitled for interest at the suitable rate over the delayed payment of death-cum retiral dues.

5. Learned counsel appearing for the petitioner has invited attention of this Court towards representation dated 07.07.2023, whereby, he has requested the District Basic Education Officer,

Mainpuri to pay adequate interest over the delaying payment of death cum-retiral dues but till date decision has not been taken by the District Basic Education Officer, Mainpuri.

6. On the other hand, Mr.Manvendra Singh, learned counsel appearing for the Respondents No.2 & 3 has very fairly submitted that since petitioner has already submitted representation therefore, it would be in the fitness of the things that direction be issued by this Court to Respondent No.2 to consider and decide petitioner's representation within a fixed time frame.

7. In view of the aforesaid submissions advanced by learned counsels appearing for the parties, without entering into the merits of the case, this writ petition is finally disposed of with a liberty to petitioner to file a fresh representation within three weeks from today and if such representation is filed, Respondent No.2 is directed to consider and decide the said representation by passing speaking and reasoned order within a period of two months thereafter.

Order Date :- 29.11.2023

Imtiyaz