

Court No. - 36

Case :- WRIT - A No. - 20285 of 2023

Petitioner :- Hanuman Ram

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

Counsel for Petitioner :- Kamlesh Shrama

Counsel for Respondent :- C.S.C., Chandra Shekhar Singh

Hon'ble Manjive Shukla, J.

1. Heard learned counsel appearing for the petitioner, learned Standing Counsel appearing for the Respondent No.1 and Sri Chandra Shekhar Singh, learned counsel appearing for the Respondents No.2, 3, 4 and 5.

2. Facts of the case, in brief, are that petitioner after attaining the age of superannuation has retired from the post of Head Master of Primary School Mungesar Rakauli, Pardahan, District Mau, on 30.6.2010. Petitioner was sanctioned pension and while he was getting pension, he was convicted in a criminal case and therefore, he remained in judicial custody from 27.9.2010 to 21.7.2019. Petitioner has been released from the judicial custody.

3. Petitioner in his writ petition has stated that he has received pension till the year 2012 but thereafter he has not been paid pension. It has further been stated in the writ petition that petitioner has submitted a representation before the District Basic Education Officer, Mau, whereby he has requested to release his pension. The District Basic Education Officer, Mau vide his letter dated 16.9.2022 has sought guidance in the matter from the Secretary, U.P. Basic Education Board, Prayagraj.

4. Learned counsel appearing for the petitioner has argued that till date decision in petitioner's matter has not been taken by the District Basic Education Officer, Mau.

5. Sri Chandra Shekhar Singh, learned counsel appearing for the Respondents No.2, 3, 4 and 5 has opposed this writ petition and has submitted that petitioner has been convicted for a crime by the competent court of law, therefore he is not entitled for the pensionary benefits.

6. Be that as it may, it transpires from the record of the case that District Basic Education Officer, Mau is seized with the matter

and he has sought guidance from the Secretary, U.P. Basic Education Board, Prayagraj, therefore matter should be decided by the District Basic Education Officer, Mau.

7. In view of the aforesaid reasons, without entering into merits of the case, this writ petition is disposed of with liberty to petitioner to file a fresh representation before the District Basic Education Officer, Mau within three weeks from today and if such representation is filed, Respondent No.4 is directed to consider and decide the said representation by passing speaking and reasoned order within two months thereafter.

Order Date :- 7.12.2023

Salim