

Court No. - 35

Case :- WRIT - A No. - 20636 of 2023

Petitioner :- Navneet Saxena

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

Counsel for Petitioner :- Anuj Bajpai

Counsel for Respondent :- C.S.C.

Hon'ble Vikas Budhwar,J.

Heard Sri Anuj Bajpai, learned counsel for the petitioner and Dr. Santosh Kumar Shukla, the learned Addl. Chief Standing Counsel, who appears for the Respondents.

The case of the writ petitioner is that his wife namely Kumodni Lata Saxena, who was working as Assistant Teacher in Purushottam Adarsh Inter College, Jalalabad, Shahjahanpur since 1982 expired on 27.04.2014. The writ petitioner claims that he has been paid other post-retirement benefits except death-cum-retirement gratuity. He staked his claim on the basis of the judgment in Writ-A No.7416 of 2019, Smt. Sarvesh Kumari vs. State of U.P. and others as well as the Government Order dated 14.06.2003.

Learned Addl. Chief Standing Counsel submits that the issue which the petitioner seeks to raise needs determination at the first instance by the second respondent, Deputy Director of Education (Secondary) IIrd Region Bareilly, District Bareilly, who shall address to the claim of the writ petitioner. 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, Deputy Director of Education (Secondary) IIrd Region Bareilly, District Bareilly 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 Institution, whereat the writ petitioner's wife was working, within a period of three months from the date of

production of certified copy of the order. The second respondent shall also consider the issue with regard to the entitlement as well as competing claims, if any.

With the aforesaid observations the writ petition stands disposed off.

Order Date :- 14.12.2023

N.S.Rathour