

Court No. - 35

Case :- WRIT - A No. - 20745 of 2023

Petitioner :- Om Prakash Tiwari

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

Counsel for Petitioner :- Dr. Aditya Kumar Trivedi

Counsel for Respondent :- C.S.C.

Hon'ble Vikas Budhwar,J.

1. Heard Dr. Aditya Kumar Trivedi, learned counsel for the writ petitioner as well as Sri Santosh Kumar, learned Standing Counsel who appears for respondents No. 1 to 4.

2. In view of the order which is being proposed to be passed today, notice is not being issued to the fifth respondent.

3. The case of the writ petitioner is that he was appointed as Assistant Teacher (Vyakaran) on 11.09.1980 and he joined the institution on 15.09.1980 thereafter he was promoted as Principal consequent to the occurrence of the vacancy on 30.06.2010 and he was made to function on the said post on 01.07.2010 and he superannuated on 31.03.2022 though there are various correspondences being made for the payment of post retiral benefits which the writ petitioner is not being paid.

4. Prayer in the present petition is for payment of post retirement benefits.

5. Sri Santosh Kumar, learned Standing Counsel who appears for the respondents submits that the issues which the writ petitioner seek to raise needs determination at the first instance by the second respondent, Deputy Director of Education, Jhansi thus, the writ petitioner may represent his cause before the second respondent. He further submits that he does not propose to file any response to the writ petition.

6. Considering the submission of the rival parties as well as the stand taken by them, the writ petition is being disposed of granting liberty to the writ petitioner to approach the second respondent, Deputy Director of Education, Jhansi by filing a comprehensive representation along with self attested copy of the writ petition and on the receipt of the same the second respondent shall put to notice

the fifth respondent and thereafter decide the claim of the writ petitioner within a period of three months from the date of production of certified copy of the order.

7. With the aforesaid observations, the writ petition stands disposed of.

Order Date :- 15.12.2023

Rajesh