

Court No. - 7

Case :- WRIT - A No. - 4072 of 2022

Petitioner :- Hari Nath Singh

Respondent :- State Of U.P. Thru. Secy. Secondary Education U.P. Lko. And 3 Others

Counsel for Petitioner :- Sharad Kumar Srivastava, Shailesh Kumar Singh

Counsel for Respondent :- C.S.C.

Hon'ble Abdul Moin, J.

Heard learned counsel for the petitioner and learned Standing counsel appearing on behalf of the State-respondents.

Instant writ petition has been filed praying for a Mandamus commanding the respondents to pay pension to the petitioner every month and the post retiral dues also.

The case set forth by the learned counsel for the petitioner is that the petitioner was appointed as Assistant Teacher in the year 1989. His services have been regularized vide order dated 23.07.2010, a copy of which is annexure 10 to the writ petition. The petitioner claims to have retired on 31.03.2020 yet his retiral dues have still not been paid and hence the petition.

On the other hand, learned Standing counsel on the basis of averments contained in the counter affidavit argues that there was some dispute with regard to joining of the petitioner and his insistence on the post of Assistant Teacher (English) but despite that the petitioner continued to work as Assistant Teacher (Sanskrit) and thereafter he has retired.

Having heard the learned counsel appearing for the contesting parties and having perused the records what emerges is that the petitioner appears to have been regularized as an Assistant Teacher through an order dated 23.07.2010. He has also retired on attaining the age of superannuation on 31.03.2020. No reasons emerge from a perusal of the counter affidavit as to why the pension has not been paid to the petitioner.

Considering the aforesaid, the instant writ petition is disposed of with the direction to the respondent no. 3 i.e Deputy Director of Education, Ayodhya to consider the claim of the petitioner for grant of pension and other retiral dues in accordance with law and the relevant rules without being influenced by any of the observations made above.

Let such consideration be done within a period of six weeks from the date of receipt of a certified copy of this order.

Order Date :- 18.11.2023

Pachhere/-