

Court No. - 7

Case :- WRIT - A No. - 1034 of 2013

Petitioner :- Jagdish Prasad Vishwakarma

Respondent :- State Of U.P.Thru Its Secy.Secondary Edu.Up
Civil Sectt.Andors

Counsel for Petitioner :- G.C. Verma,Vijyant Nigam

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

Hon'ble Abdul Moin,J.

(I.A. No.2 of 2023)

This is an application for condonation of delay in filing the substitution application.

Heard learned counsel for the petitioner, learned Standing Counsel appearing for respondents no.1 and 2 and Sri Niranjan Singh, learned counsel for respondents no. 3 and 4.

There is delay of eight years in filing the application.

No substantive objections have been raised by the learned Standing Counsel appearing for respondents no.1 and 2 and Sri Niranjan Singh, learned counsel for respondents no. 3 and 4.

Accordingly, the application is allowed and the delay in filing the substitution application is hereby condoned.

(I.A. No.3 of 2023)

This is an application for substitution of legal heirs of the sole petitioner, who died on 03.07.2015.

As the application for condonation of delay in filing the substitution application has already been allowed and learned counsels for respondents have not raised any substantive objection to the aforesaid application, instant application is also allowed.

Learned counsel for the petitioner is permitted to carryout necessary substitution during course of the day.

Order on memo of the petition

1. Heard.

2. Instant petition has been filed praying for quashing of the order dated 25.09.2012, a copy of which is Annexure-1 to the writ petition, whereby the attachment of Sri Jagdish Prasad Vishwakarma, who was working on a Class IV post in the institution in question, was terminated and he was required to report back in his original school. During pendency of the petition, Sri Jagdish Prasad Vishwakarma has died and his son Sanjay @ Sanjay Vishwakarma has been substituted as his legal heir.

3. At the very outset Sri Niranjan Singh, learned counsel for respondents no.3 and 4, states that he has got instructions from the respondents that whatever dues are payable to the petitioner would be paid to him within a period of six weeks from today provided the petitioner fulfills the requisite formalities.

4. The aforesaid statement of Sri Niranjan Singh, learned counsel for respondents no.3 and 4, is recorded and the writ petition is disposed of.

Order Date :- 26.10.2023

A. Katiyar