

Court No. - 7

Case :- WRIT - A No. - 8385 of 2023

Petitioner :- Ramesh Pandey

Respondent :- State Of U.P. Thru. Prin. Secy. Basic Education And Others

Counsel for Petitioner :- Bipin Kumar Rai, Lallan Rai

Counsel for Respondent :- C.S.C., Ran Vijay Singh

Hon'ble Abdul Moin, J.

Heard learned counsel for the petitioner, learned Standing Counsel for respondents no. 1, 3 & 4, Shri Ran Vijay Singh, learned counsel for the respondent no. 2 and Shri Rishabh Tripathi, learned counsel appearing for the respondents no. 5 and 6.

With the consent of learned counsel appearing for the contesting parties, the writ petition is being finally decided.

The instant writ petition has been filed praying for following main reliefs:

"(i) Issue a writ, direction or order in the nature of mandamus commanding the opposite parties to provide Grade Pay of Rs. 4600/- to the petitioner since 18.03.2011, Second Assured career progression (2nd ACP) and Basic Pay Rs. 60400, Grade pay Rs. 4800/- w.e.f. 18.11.2020, Basic Pay Rs. 62200/-, Grade Pay Rs. 4800/- w.e.f. 01.07.2021 and Basic Pay Rs 64100/- Grade Pay Rs 4800/- w.e.f 01.07.2022 and accordingly correct the pension of the petitioner and also make payment of arrear of difference of salary and other consequential benefits and also dues to the petitioner along with prevalent rate of interest till it is actually paid to the petitioner.

(ii) Issue a writ, direction or order in the nature of mandamus commanding the opposite parties to consider and decide the representation (Annexure No. 9) of the petitioner.

(iii) Issue a writ, direction or order in the nature of mandamus commanding the opposite parties to make the payment of balance amount of Gratuity Rs. 8,94,882/- to the petitioner alongwith prevalent rate of interest till it is actually paid to the petitioner.

(iv) Issue a writ, direction or order in the nature of mandamus commanding the opposite parties to make the payment of leave encashment of 300 days to the petitioner along with prevalent rate of interest till it is actually paid to the petitioner."

The contention of learned counsel for the petitioner is that despite the petitioner having retired on attaining the age of superannuation on 31.07.2022 his retiral dues and grade pay etc have not been paid.

After arguing the matter at some length, learned counsel for the petitioner submits that with regard to the reliefs sought in the writ petition, the petitioner may be permitted to submit a fresh representation before the respondent no.5 i.e. District Basic Education Officer, District Balrampur which may be directed to be decided within a time frame fixed by this Court to which learned Counsel for the respondents have no objection.

In view of the above, it is provided that in case the petitioner submits a representation within one week from today before respondent no.5 then respondent no.5 shall endeavour to decide the same by means of a reasoned and speaking order in accordance with law and the relevant rules within a further period of four weeks from the date of submission of the representation along with certified copy of this order.

With the aforesaid direction, writ petition is **disposed of**.

It is made clear that this Court has not gone into the merits of the claim set forth by the petitioner.

Order Date :- 30.10.2023

J.K. Dinkar