

Court No. - 19

Case :- WRIT - A No. - 9717 of 2023

Petitioner :- Smt. Sushma Mishra

Respondent :- State Of U.P. Thru. Prin. Secy. Deptt. Basic Edu. Lko And 3 Others

Counsel for Petitioner :- Rajesh Kumar

Counsel for Respondent :- C.S.C.,Pradeep Tiwari

Hon'ble Jaspreet Singh,J.

Heard learned counsel for the petitioner. Notice on behalf of respondent nos. 1 and 2 has been accepted by the office of the learned Additional Chief Standing Counsel. Sri Pradeep Tiwari, learned counsel has put in appearance on behalf of respondent nos. 3 and 4.

By means of the instant petition, the petitioner seeks following reliefs which read as under:-

"(i) Issue a writ, order or direction in the nature of mandamus or any other appropriate writ, order or direction in the nature, directing the opposite parties to pay to the petitioner the full amount of Gratuity payable to his husband Late Shitala Prashad Mishra, who died during the tenure of his service in accordance with law.

(ii) Issue a writ, order or direction in the nature of mandamus to pay the same to his along with interest at the rate of 12% p.a. for payment of delay of gratuity as per law."

It has further been pointed out that the petitioner has already escalated the matter with the Department concerned by means of a representation, a copy of which has been brought on record as Annexure No. 2.

It is further submitted that the Department concerned has also called for certain inquiries by means of its letter dated 28.07.2023 in pursuance whereof the petitioner has submitted its reply on 06.10.2023.

It is submitted that despite the same and the petitioner having complied with all the necessary formalities yet the representation is still pending and the Department has not taken any decision regarding the grant of gratuity to the petitioner.

Considering the facts and circumstances and also noticing that the issue has been escalated by the petitioner with the respondent no.3 and 4 and after having completed the inquiries

as well as submitting her reply, the decision has not been taken on her representation.

Considering the facts and circumstances, this Court is of the opinion that no gainful purpose will be served in keeping the aforesaid petition pending rather ends of justice can be served by directing the respondent no. 3 consider and finally decide the pending representation of the petitioner most expeditiously, affording full opportunity of hearing to the parties preferably within a period of eight months from the date an authenticated copy of this order is placed before the authority concerned.

It is made clear that the Court has not examined the case of the petitioner on merits and the respondent no. 3 shall decide the same by a reasoned and speaking order strictly in accordance with law.

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

Order Date :- 19.12.2023

Asheesh