

Court No. - 20

Case :- WRIT - A No. - 10111 of 2023

Petitioner :- Narendra Nath Mishra

Respondent :- State Of U.P. Thru. Addl. Chief Secy. Deptt. Of Secondary Edu. Lko And 5 Others

Counsel for Petitioner :- Manish Pandey, Rama Pati Shukla

Counsel for Respondent :- C.S.C.

Hon'ble Manish Mathur, J.

1. Heard learned counsel for petitioner and learned State Counsel appearing on behalf of opposite parties.

2. Petition has been filed seeking the following reliefs:-

"I. ISSUE writ, order or direction in the nature of MANDAMUS commanding the opp. parties to make the payment of gratuity of Rs.08,98,425/-, which has been withheld in arbitrary and illegal manner as the petitioner is entitled to get the grade-pay of Rs.4,600/-at Matrix Level -7, which is not in dispute considering that the petitioner has completed twenty-eight years, nine months and twenty-four days in service and accordingly he became entitled to get the pay-scale payable at Matrix Level -7, along with the interest @ 10% per annum till the date of actual payment, in accordance with the settled law by Hon'ble The Apex Court as well as by this Hon'ble Court.

II. ISSUE writ, order or direction in the nature of MANDAMUS directing the Opp. Parties to make the payment of pension of the petitioner considering his pay-scale Rs.9,300/- to 34,800/- at grade-pay of Rs.4,600/- and make the payment of difference of the pension as the pension is being paid in the above said pay-scale at the grade-pay of Rs.4,200/- in accordance with law.

III. ISSUE other writ order or direction as is deemed fit and proper under the circumstances of the case. IV. Allow the Writ Petition with cost."

3. For the aforesaid grievance, petitioner has already submitted a representation but seeks liberty to file fresh representation before competent authority. At present learned counsel for petitioner restricts his prayer for a final decision with regard to same.

4. Considering innocuous prayer being made by learned counsel for petitioner and without entering into the merits of the case petitioner is granted liberty to file a fresh representation before opposite party No.3 i.e. Joint Director, Treasury and Pension, Ayodhya Division, Ayodhya. In case such a representation is filed, the same shall be considered and decided within a period

of eight weeks from the date a certified copy of this order is produced before the said authority.

5. With the aforesaid observation, petition stands **disposed of**.

Order Date :- 22.12.2023

Subodh/-