

Court No. - 4

Case :- WRIT - A No. - 4688 of 2024

Petitioner :- Smt. Kavita

Respondent :- State Of U.P. Thru. Addl. Chief Secy. Deptt. Of Horticulture/Food Processing Lko. And 3 Others

Counsel for Petitioner :- Syed Mohd. Arshad Rizvi, Gajendra Yadav

Counsel for Respondent :- C.S.C.

Hon'ble Syed Qamar Hasan Rizvi, J.

1. Heard learned counsel for the petitioner and learned Standing Counsel for the opposite parties.

2. By means of the present writ petition, the petitioner has prayed for the following relief:

"(i) To issue a writ, order or direction in the nature of mandamus commanding and directing the opposite party no.2 to consider and decide the pending representations dated 23.06.2023, 14.08.2023 and 04.03.2024 as contained in annexure no.5 and 6 to this writ petition by passing a reasoned and speaking order within the time bound period as may be fixed by this Hon'ble Court.

(ii) To issue a writ, order or direction in the nature of mandamus commanding and directing the opposite party no.2 to treat the husband of the petitioner as confirmed employee w.e.f. 17.03.1993 and extend the benefits of Govt. Order dated 30.07.2012 and Assured Career Progression Scheme and upgrade the pay of the petitioner's husband and pay the difference of salary and death-cum-retiral benefits along with interest @ 18 per cent per annum from the due date till the date actual payment is made to the petitioner."

3. Submission of the learned counsel for the petitioner is that the husband of the present petitioner namely Late Mahipal Singh was appointed as Assistant Horticulture Inspector vide order dated 13.07.1993. The services of the petitioner were terminated vide Office Memorandum dated 06.09.1993 by the Director, Directorate of Horticulture and Food Processing Department, U.P., Lucknow (respondent no.2). The late husband of the petitioner along with others approached this Court by filing Writ Petition No. 8276 (S/S) of 1993, which was connected with other similar writ petitions vide order dated 11.10.1993. He further submits that during the pendency of the Writ Petition No.8274 of 1993, unfortunately the husband of the petitioner died on 09.03.2011 while working as Assistant Horticulture Officer/Incharge Rajkiya Paudhshala Govindpuri, Ghaziabad. It has also been demonstrated by the learned

counsel for the petitioner that this Court vide order dated 06.09.2012 decided the petition in favour of petitioners of that writ petition including the late husband of the petitioner, however, the said order was reviewed vide order dated 26.09.2014.

4. Learned counsel for the petitioner has very categorically submitted that the benefit of the order has already been granted to all the other petitioners but due to unfortunate death of the husband of the petitioner, he could not get the benefit of that order. He further submits that the petitioner has already moved several representations including the representation dated 19.06.2023, 14.08.2023 and 04.03.2024 as contained in annexure no.5 & 6. The same have not been considered and are pending before the authorities.

5. Without advertng on the merits of the case, this Court is of the considered opinion that no useful purpose would be serve to keep the writ petition pending. Accordingly, this writ petition is **disposed of** with a direction to the Director, Directorate of Horticulture and Food Processing Department, U.P., Lucknow (respondent no.2) to consider the grievance of the petitioner and pass appropriate orders on the representation of the petitioner at the earliest. The petitioner is at liberty to file a fresh representation along with complete documents in support of his case along with certified copy of this order before the respondent no.2 within a period of 15 days from today. In case such a representation is filed within the aforesaid period, the same shall be considered and decided by a detailed and speaking order within a maximum period of two months from the date of receipt of the said representation along with the certified copy of this order.

Order Date :- 7.6.2024

Abhishek Gupta