



2025:0004-1 K03:05755

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

WRIT - A No. - 14553 of 2025

Mohammad Sharif And Another

.....Petitioner(s)

Versus

Director Rajya Krishi Utpadan Mandi Parishad U.P. Lko.
And Another

.....Respondent(s)

Counsel for Petitioner(s)	:	Rajiv Srivastava, Avadhesh Kumar Singh
Counsel for Respondent(s)	:	Surendra Kumar Singh, Dr. V.K. Singh

Court No. - 18

HON'BLE SHREE PRAKASH SINGH, J.

Vakalatnama filed by Mr. V.K. Singh, learned counsel on behalf of the respondent nos.1 & 2 is taken on record.

Heard learned counsel for the petitioner, Mr. V.K. Singh, learned counsel for the respondent nos.1 & 2 and perused the material on record.

Instant petition has been filed seeking following reliefs:-

"(i) To issue a writ, order or direction in the nature of mandamus directing the opposite parties to consider total period of service including the period of work-charge on wage with the period of regular service for the purpose of calculation of gratuity under Payment of Gratuity Act 1972. and to modify the orders of gratuity annexed as annexure no. 1 and 2.

(ii) To issue a writ, order or direction in the nature of Mandamus directing the opposite parties to pay to the petitioners the arrears of gratuity with interest of 12% per annum."

Learned counsel for the respondent Mandi Parishad submits that payment of gratuity Act, 1972 is not applicable to the services of the petitioner and rather the Government Order dated 22.6.1987 would attract regarding payment of gratuity. He submits that the petitioner has prayed for payment of gratuity as per the provisions of the payment of Gratuity Act, 1972.

Learned counsel for the petitioner submits that any change in the provisions at the level of Mandi Parishad would be subject to Section 5 of Payment of Gratuity Act 1972 and, therefore, in this view of the matter, the Government Order dated 22.6.1987 is redundant.

After the aforesaid arguments, learned counsel for the petitioner submits that interest of justice would be subserved, if this Hon'ble Court may be given liberty to the petitioner to move an application before the respondent no.1/ Director, Rajya Krishi Utpadan Mandi Parishad, while claiming payment of gratuity under the applicable laws and the respondent no.1 is directed to consider and decide the same within time fixed.

Learned counsel for the respondent Mandi Parishad has no objection to the submission aforesaid.

Be that as it may, without entering into merits of the case, the petitioner is given liberty to make a fresh representation while claiming of payment of gratuity under the relevant laws, before respondent no.1 within 15 days and in case such representation is made, the respondent no.1, Director, Rajya Krishi Utpadan Mandi Parishad is directed to consider and decide the same, within a period of six weeks, from the date of production of certified copy of this order before him.

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

December 17, 2025
Ram Murti

(Shree Prakash Singh,J.)