

Court No. - 34

Case :- WRIT - A No. - 34073 of 2004

Petitioner :- Radhey Shyam Saxena

Respondent :- State Of U.P. And Others

Counsel for Petitioner :- Shamimul Hasnain, Bijendra Kumar Mishra, K.K. Shukla, K.K. Singh, S.P. Singh, S.P. Srivastava, Saurabh Shukla, V.S. Shukla, Yogesh Kr. Vaish

Counsel for Respondent :- C.S.C., D.N. Mishra, Priyannshu Srivastav, Shashi Ranjan Srivastav

Hon'ble Sudhir Agarwal, J.

1. Heard Ms. Tanya Pandey, Advocate holding brief of Sri Saurabh Shukla, learned counsel for petitioner, learned Standing Counsel for State and perused the material available on record.

2. Admittedly, departmental enquiry was initiated against petitioner and proposal of removal from service was approved by District Inspector of Schools, Bareilly (hereinafter referred to as "DIOS") vide letter dated 08.04.1983. Consequently, petitioner was removed from service vide order dated 16.04.1983, communicated by Manager of Saraswati Vidyalaya Inter College, Bareilly (hereinafter referred to as "College"). Against this order, petitioner filed an appeal before Deputy Director Education, Bareilly (hereinafter referred to as "DDE") which was rejected whereafter Writ Petition No. 1305 of 1984 was filed which was also dismissed vide order dated 08.01.1985 and as a result thereof, order of removal of petitioner from service attained finality.

3. In these facts and circumstances, Respondents-Competent Authorities have rightly held that petitioner is not entitled for pensionary benefits, hence, warrants no interference.

4. Writ Petition lacks merit and is accordingly dismissed.

Order Date :- 30.3.2019

Siddhant Sahu