

Court No. - 18

Case :- WRIT - A No. - 2516 of 2023

Petitioner :- Ramesh Kumar Singh

Respondent :- State Of U.P. Thru. Addl. Chief Secy. Basic Education Deptt. Lko. And Others

Counsel for Petitioner :- Nishant Kumar Shukla, Krishna Nand Shukla

Counsel for Respondent :- C.S.C., P.K. Singh Bisen

Hon'ble Alok Mathur, J.

1. Heard Sri Nishant Kumar Shukla, learned counsel for petitioner as well as learned Standing Counsel for respondent Nos. 1 to 3 and Ms. Pallavi Mishra, Advocate holding brief of Sri P.K. Singh Bisen, learned counsel for respondent Nos. 4 & 5.

2. By means of present writ petition, the petitioner has prayed for a direction to respondent Nos. 4 & 5 to pay the amount of gratuity of petitioner's deceased wife namely Smt. Indu singh.

3. Learned counsel for petitioner submits that wife of the petitioner-Smt. Indu singh was appointed on the post of Assistant Teacher in 2009 and unfortunately died on 08.05.2021. At the time of her death, she was working at Purv Madhyamic Vidyalay Udaipur Block - Sasapur, Devsara as Assistant Teacher and after health the respondents have denied gratuity on the ground that his wife fill up the option for retirement at the age of 60 years.

4. It is submitted that this dispute has already been attained finality in the case of Smt. **Smt. Ranjana Kakkar Vs. State of U.P. and Ors, reported in 2008 (10) ADJ 63**, which has been followed in subsequent decisions in the case of **Smt. Angoori Devi Vs. Regional Joint Director of Education, Agra Region & Others 2012 (1) LCD 674** and several other cases as well as the law laid down in the case of **Usha Rani v. State of U.P. & Ors. (Writ - A No.17399 of 2019) decided on 07.11.2019**; the special appeal filed against which has been dismissed and the **S.L.P. No.19089 of 2021 (State of U.P. & Ors. v. Usha Rani)** has also been dismissed, it is informed at the Bar that the State Government has issued Government Order 03.02.2023 whereby guidelines have been made for determination of the death-cum-retirement gratuity.

5. Learned counsel for petitioner submits that grievance of the petitioner shall be substantially redressed in case respondents

are directed to decide the representation of the petitioner in light of the aforesaid judgment as well as Government Order dated 03.02.2023 afresh expeditiously.

6. Learned counsel for respondents do not object to the prayer made by learned counsel for petitioner.

7. In light of the above, the writ petition is **disposed of** with a liberty to the petitioner to move a fresh representation to respondent No. 5 within two weeks from today and in case such a representation is made, respondent No. 5 shall proceed to consider and decide the same expeditiously, say, within a period of two months thereafter in accordance with law with speaking and reasoned order and communicate the decision to the petitioner.

8. In case the amount due to the petitioner, the same shall be paid to him expeditiously.

(Alok Mathur, J.)

Order Date :- 31.3.2023

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