
(2010) 08 AHC CK 0069

In the Allahabad High Court

Case No : Civil Miscellaneous Writ Petition No. 50511 of 2008

Ramesh Chandra Pandey

APPELLANT

Vs

State of U.P. and others

RESPONDENT

Date of Decision : 12-08-2010

Acts Referred:

Citation : (2010) 127 FLR 322

Hon'ble Judges : A.P. Sahi, J

Bench : Single Bench

Advocate : Pramod Kumar Sharma, for the Appellant; J.N. Maurya, C.S.C., for the Respondent

Final Decision : Dismissed

Judgement

Amreshwar Pratap Sahi, J.—Heard learned Counsel for the petitioner, learned Standing Counsel for the respondent Nos. 1, 4 and 5 and Sri J.N. Maurya, learned Counsel for the respondent Nos. 2 and 3.

The petitioner claims to have retired as a Senior Clerk from the office of Nagar Shiksha Adhikari, Kanpur Nagar on 30.4.2007.

2. The contention of the petitioner is that he is entitled for payment of gratuity as such benefits have been extended to similarly situated employees. The petitioner had earlier come up before this Court and a direction was issued for consideration of his claim, which has been rejected.

3. Learned Counsel for the petitioner contends that under the Government Order dated 23.11.1994 read with the Government Order dated 31st March, 2005, the petitioner is entitled for payment of gratuity as he had exercised his option in accordance with the aforesaid Government Orders to retire at the age of 58 years.

4. The petitioner has admittedly retired at the age of 60 years on 30.4.2007. The Government Order dated 23.11.1994 was introduced with a view to provide to

Such employees and for that Clause 2 of the Government Order ducally recites that such option has to be exercised within 90 days of the allegation of the Government Order. There is nothing on record to indicate the petitioner has ever exercised such option. So far as the Government dated 31st March, 2005 is concerned, the same is not at all applicable to the petitioner, inasmuch as, it was meant for aided non-government institutions and other employees of the Basic Shiksha Parishad.

5. In view of the aforesaid submissions raised before this Court which are unsounded in law, the writ petition is liable to be dismissed. The writ petition is dismissed.