IN THE HIGH COURT OF MADHYA PRADESH AT INDORE

BEFORE

HON'BLE SHRI JUSTICE SUBODH ABHYANKAR

ON THE 4th OF DECEMBER, 2023

WRIT PETITION No. 29777 of 2023

BETWEEN:-

VIJAY KUMAR DWIVEDI S/O SHRI BHANUPRATAP DWIVEDI, AGED ABOUT 62 YEARS, OCCUPATION: RETIRED 1109/29, NANDA NAGAR, INDORE DISTRICT INDORE (MADHYA PRADESH)

.....PETITIONER

(BY SHRI PRASANNA R. BHATNAGAR - ADVOCATE)

AND

1. **THE STATE OF MADHYA PRADESH PRINCIPAL SECRETARY SCHOOL EDUCATION DEPARTMENT VALLABH BHAWAN, MANTRALAYA, DISTRICT BHOPAL (MADHYA PRADESH)**

2. **COMMISSIONER PUBLIC INSTRUCTIONS SCHOOL EDUCATION DEPARTMENT NEAR CHETAK BRIDGE BHOPAL (MADHYA PRADESH)**

3. **COLLECTOR COLLECTOR OFFICE INDORE (MADHYA PRADESH)**

4. **DISTRICT EDUCATION OFFICER SCHOOL EDUCATION DEPARTMENT BADA GANPATI INDORE (MADHYA PRADESH)**

5. **SHRI DIGAMBAR JAIN MIDDLE SCHOOL NAVLAKHA THROUGH PRESIDENT OF MANAGEMENT COMMITTEE NAVLAKHA INDORE (MADHYA PRADESH)**

.....RESPONDENTS

(BY MS. HARSHLATA SONI - G.A./P.L.)

This petition coming on for admission this day, the court passed the following:

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Signed by: PANKAJ PANDEY
Signing time: 04-12-2023 17:57:11

ORDER

This petition has been filed by the petitioner under Article 226 of the Constitution of India seeking the following reliefs:-

> "It is, therefore, prayed that this writ petition may kindly be allowed with cost and by issuing appropriate writ, order or direction, and:
>
> 7.1 A Writ of mandamus may kindly be issued to the respondents and the respondents may kindly be directed to pay the amount of gratuity to the petitioner with applicable interest as per the provisions of Payment of Gratuity Act, 1972.
>
> 7.2 A Writ in the nature of mandamus may kindly be issued and the respondents may kindly be directed to pay the amount of special allowance to petitioner w.e.f. July, 2019 to the date of retirement i.e. 31.07.2023.
>
> 7.3. Any other relief, which this Hon'ble Court deems fit and proper in the interest of justice, Equity and good conscience may be granted."

2. Counsel for the petitioner has submitted that a representation has already been filed by the petitioner, however, the same has still not been decided by the respondents, despite the fact that the case of the petitioner is squarely covered by an order passed by the Division Bench of this Court in W.A. No.2111/2019 dated 29.05.2020.

3. Counsel for the respondents submits that the representation shall be decided, in accordance with law.

4. In view of the same, this Court is inclined to dispose of this writ petition with a direction to the petitioner to file a fresh representation along with all the relevant documents to the respondent Nos.4/5/competent authority within two weeks time, who shall decide the same, in accordance with law by a reasoned and speaking order within a further period of six weeks.

5. It is made clear that this Court has not reflected upon the merits of the case.

6. With the aforesaid, the writ petition stands **disposed of**.

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(SUBODH ABHYANKAR)
JUDGE

Pankaj

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