
Rakesh Kumar Tripathi Vs State Of Uttarakhand & Another

Writ Petition (S/B) No. 196 Of 2022

Court: Uttarakhand High Court

Date of Decision: April 18, 2022

Hon'ble Judges: R.C. Khulbe, J

Bench: Single Bench

Advocate: K.K. Harbola, S.S. Chauhan, D.S. Patni, B.S. Bisht

Final Decision: Disposed Of

Judgement

Manoj Kumar Tiwari, J

1. Petitioner retired from the post of Assistant Engineer, Uttarakhand Payjal Nigam, Roorkee, District Haridwar on 28.02.2021. Since he has not been

paid the amount of retiral benefits, therefore, petitioner has approached this Court, seeking the following reliefs:

(i) To issue a writ order or direction in the nature of Mandamus commanding the Respondents to forthwith release the outstanding retiral benefits to

the petitioner, details whereof is given herein below:-

A)Gratuity = Rs. 20,00,000/- (approx)

(sanctioned but not paid)

B)Leave Encashment (300 days) = Rs. 17,19,900/- (approx)

(sanctioned but not paid)

C)Dearness Allowances = Rs. 58,525/- (approx)

(sanctioned but not paid)

D)Arrears of 7th Pay Commission = Rs. 3,55,797/-(approx)

(sanctioned but not paid)

Total Amount = Rs. 41,34,442/-

(Approx)

(ii) Issue any other suitable writ, order or direction which this Hon'ble Court may deem fit and proper in the circumstances of the case.

2. Mr. D.S. Patni, learned Senior Counsel appearing for respondent no. 2 while admits that petitioner has not been paid retiral dues, however, he

submits that he cannot make any statement regarding the exact amount payable to petitioner. He further submits that due to financial constraint, the

amount due to petitioner could not be paid to him. He assures the Court that all outstanding dues would be cleared, within time stipulated by this Court.

3. Having regard to the submission made by learned Senior Counsel for respondent no. 2, the writ petition is disposed of by directing respondent no. 2

to release amount of Gratuity to petitioner, positively within three months from date of production of certified copy of this order. The amount of Leave

Encashment, arrears of 7th Pay Commission and other dues, if any, shall be paid to petitioner within five months from the date of receipt of certified

copy of this order. Petitioner shall be entitled to simple interest @ 6% per annum on the delayed payment of outstanding dues, if his dues are not paid

within the period stipulated in this order.