

(2024) 09 UK CK 0012

Uttarakhand High Court

Case No: Writ Petition (S/S) No. 1655 Of 2024

Nandi Devi

APPELLANT

Vs

Uttarakhand Transport  
Corporation And Anr.

RESPONDENT

Date of Decision: Sept. 4, 2024

Acts Referred:

- Payment Of Gratuity Act, 1972 - Section 7(3)(3A)

Hon'ble Judges: Pankaj Purohit, J

Bench: Single Bench

Advocate: Kishore Kumar, Shobhit Joshi, Ashish Joshi

Final Decision: Allowed

Judgement

Pankaj Purohit, J

1. Heard learned counsel for the parties.

2. By means of this writ petition, petitioner has prayed for following relief:

“i). Issue a writ order or direction in the nature of mandamus by calling the records and direct the respondents to forthwith release the withheld/recovered amount of leave encashment along with 18% interest which was recovered from the retiral dues of her husband and further to pay the interest for delayed payment of Gratuity as per the Section 7(3)(3A) of the Payment of Gratuity Act, 1972 which provides interest for delayed payment of gratuity in view of the judgment 18-12-2023 passed in writ petition no.966 of 2022 S/S “Prabha Devi Vs. State of Uttarakhand and Ors” and in view of Hon’ble Apex Court in the case of State of Punjab vs. Rafiq Masih & other (2015) 4 SCC 334 and Judgment dated 14-06-2022 of this Hon’ble Court in the case of “Balam Singh Aswal Vs. Managing Director and others” in Writ Petition No.1593 of 2021 S/S and judgment and order dated 04-04-2024 passed in Special Appeal No.245 of 2022 “Managing Director Uttarakhand Transport Corporation Vs. Ashok Kumar Saxena” and judgment dated 03-05-2024 in writ petition no.2276 of 2022 “Jasbir Singh Vs. Uttarakhand Transport Corporation and Ors” or in alternate pass any appropriate orders keeping in view of the facts highlighted in the body of the petition or mould the relief appropriately.”

3. Learned counsel for the petitioner submits that the controversy has been set at rest by a Coordinate Bench of this Court, vide judgment and order dated 14.06.2022 passed in WPSS No.1593 of 2021 **Balam Singh Aswal Vs. Managing Director and Others** and Batch of writ petitions, which are subsequently affirmed by the Division Bench of this

Court vide judgment and order dated 04.04.2024 in Special Appeal No.245 of 2022, **Managing Director, Uttarakhand Transport Corporation, Dehradun & Others Vs. Ashok Kumar Saxena**, and Batch of Special Appeals. Learned counsel for the petitioner also relied upon the judgment and order dated 03.05.2024 passed by this Court in WPSS No.2276 of 2022.

4. Learned counsel for the respondents has also submitted that the present matter is squarely covered by the judgment and order dated 14.06.2022, which was affirmed in Special Appeals as referred above by learned counsel for the petitioner vide judgment dated 04.04.2024.

5. In this view of the matter, the writ petition is allowed in terms of the judgment and order dated 14.06.2022 passed by a Coordinate Bench of this Court in WPSS No.1593 of 2021 **Balam Singh Aswal Vs. Managing Director and Others** and Batch, which is affirmed by a Division Bench of this Court in Special Appeal No.245 of 2022 **Managing Director, Uttarakhand Transport Corporation, Dehradun & Others Vs. Ashok Kumar Saxena** and Batch, vide judgment dated 04.04.2024. The case of the petitioner shall abide by the aforesaid judgment and order dated 14.06.2022, which is later on affirmed vide judgment dated 04.04.2024 in Special Appeals as stated above.