(2012) 04 UK CK 0048

In the Uttarakhand High Court

Case No : Writ Petition (S/B) No. 05 of 2011

B.N. Joshi and another — APPELLANT

Vs

Uttarakhand Seeds and Tarai Development Corporation and others — RESPONDENT

Date of Decision : 17-04-2012

Acts Referred:

Citation : (2012) 04 UK CK 0048

Hon'ble Judges : Barin Ghosh, C.J;Umesh Chandra Dhyani, J

Bench : Division Bench

Advocate : B.D. Pande, for the Appellant; Vinay Kumar for the State of Uttarakhand/respondent no. 3, for the Respondent

Final Decision : Allowed

Judgement

Barin Ghosh, C.J.—Three remaining issues remained in this writ petition. The others have been mutually sorted out. One of those issues was, whether the petitioners are entitled to enhanced gratuity upto Rs. 10 lacs, instead of upto Rs. 3.5 lacs. Employer contended that the State Government has not taken a decision pertaining to such enhancement. We, accordingly, requested the State Government to give its response. The State has given its response by holding out that w.e.f 24th May, 2010 amount of gratuity payable to a retiring employee has been increased from upto Rs. 3.5 lacs to Rs. 10 lacs. Since petitioner no. 1 retired on 30th June, 2010 and petitioner no. 2 on 31st May, 2010, both the petitioners are entitled to the benefit of the said decision of the Government and, accordingly, a direction is being issued for settlement of the claim of the petitioners for enhanced gratuity within a period of one month from the date of service of a copy of this order on employer of the petitioners. The next issue appears to be the refusal on the part of the Managing Director of the employer to accept the prayer of petitioner no. 2 to retain the quarter for a period in excess of one month from the date of retirement of the said petitioner and until the end of September, 2010. Such prayer was made on the ground that the residential house of petitioner no. 2 was then under construction. Managing Director found that the prayer for extension on that ground would not be a compelling reason for the Managing Director to relax the Rules. Inasmuch as, allotment of quarters is governed by Rules, which grant one month''s time to a retiring employee to remain in the allotted quarter, we do not find any reason to interfere with the refusal on the part of the Managing Director to relax the Rules for petitioner no. 2 to entitle him to remain in the quarter beyond one month by not paying penal rent as provided for in the Rules. There appears to be no dispute of penal rent having been charged in accordance with the Rules. The last contention in the writ petition is that the payments due to the petitioners have been delayed and, accordingly, petitioners are entitled to interest. Having regard to the fact that the terminal dues have been released within 5 to 7 months from the date of retirement, we do not exercise our discretion to grant any interest in favour of the petitioners.

2. Writ petition is, thus, allowed to the extent as above.

