
(2010) 11 UK CK 0018
In the Uttarakhand High Court
Case No : Writ Petition No. 953 of 2009 (SS)

Dhyan Singh Bharti	Vs	APPELLANT
State of Uttarakhand and Others		RESPONDENT

Date of Decision : 23-11-2010

Acts Referred:

Citation : (2010) 11 UK CK 0018

Hon'ble Judges : Prafulla C. Pant, J

Bench : Single Bench

Judgement

Prafulla C. Pant, J.—This is delay condonation application No. 7042 of 2010 for condonation of delay in moving/modification application No. 7052 of 2010.

2. Heard.

3. Delay condonation application is allowed. Delay is condoned.

4. Also heard on review/modification application No. 7052 of 2010, whereby the Respondents have sought review of order dated 04.12.2009, passed by this Court in the writ petition whereby, this Court directed the Respondents to release the interim pension or after deducting Rs. 59,262/-from the Petitioner's gratuity, pay the pension to the Petitioner.

5. Learned Counsel for the applicant/Respondent states that in fact the amount required to be recovered was Rs. 1,59,262/-, and due to clerical error it was mentioned Rs. 59,262/.

6. However learned Counsel for the writ Petitioner pointed out that in compliance of said interim order, the amount of gratuity has already been released, and interim pension has been sanctioned after deducting full amount of Rs. 1,59,262/-.

7. In the above circumstances, the modification sought in the interim order is innocuous, and accordingly, without prejudice to the rights of the 3 parties, the

review application is disposed of, with the modification in the interim order, that the figure of Rs. 59,262/- in order dated 04.12.2009, shall be read as Rs. 1,59,262/-. If the said amount (Rs. 1,59,262/-) has already been deducted , the rest of the order shall be complied by the Respondents (if not complied with) relating to release of the pension.

8. List this writ petition for final hearing in the first week of December, 2010. (Urgency application No. 3673 of 2010, also stands disposed of).