
(2024) 06 UK CK 0009

In the Uttarakhand High Court

Case No : Writ Petition (S/S) No. 1810, 1812 Of 2023

Maresh Chandra Harbola & Others.

APPELLANT

Vs

State Of Uttarakhand And Others

RESPONDENT

Date of Decision : 04-06-2024

Acts Referred:

Citation : (2024) 06 UK CK 0009

Hon'ble Judges : Pankaj Purohit, J

Bench : Single Bench

Advocate : Gopal K. Verma, Pradeep Hairiya

Final Decision : Disposed Of

Judgement

Pankaj Purohit, J

1. Heard learned Counsel for the parties.
2. Both these petitions involve similar set of facts and law hence these are being decided by this common judgment. For the sake of brevity and convenience, facts of WPSS No.1810 of 2023 are considered for adjudication.
3. Petitioner has challenged the order dated 03.07.2023 passed by respondent no.2 (Annexure No.1) whereby the amount of gratuity and 10% pension of petitioner has been withheld. Feeling aggrieved, petitioner is before this Court by filing the present writ petition.
4. A counter affidavit has been filed on behalf of respondent no.2. In paragraph no.4 thereof, it is stated that due to pendency of litigation between petitioner and respondents before the Public Services Tribunal at Dehradun, the aforesaid amount has been withheld. Further, by virtue of G.O. dated 28.10.1980, there is a provision that in case of pendency of litigation, the amount due towards gratuity and final pension would be withheld. It is further stated that in the meantime, provisional pension had already been paid to petitioner.

5. Petitioner has filed his rejoinder wherein it is stated that respondents have wrongly withheld the amount due towards him and petitioner had no concern with the case pending before the Tribunal. Further, the said claim petition stood finally decided vide judgment dated 13.12.2023, and thus, now no question arises for withholding the amount due towards petitioner.

6. In view of aforesaid facts, since the claim petition pending between the petitioner and respondents before the Public Services Tribunal at Dehradun has finally been decided by order dated 13.12.2023, therefore, now there is no impediment to release the amount which was withheld by respondents.

7. However, in so far as the argument of learned counsel for petitioner for providing interest on delayed payment is concerned, I have considered the said submission but in view of the government order dated 28.10.1980 governing the field, payment towards gratuity and 10% pension had been withheld by respondents due to pendency of litigation in which petitioner was also a party respondent. At the same time, the provisional pension was also sanctioned in favour of petitioner. Therefore, there is no ground to award interest on the delayed payment.

8. For the aforesaid reasons, both the writ petitions are disposed of. Order dated 03.07.2023 challenged in WPSS No.1810 of 2023 as also orders dated 14.06.2023 and 28.07.2023 impugned in WPSS No.1812 of 2023 are quashed. At the same time, a writ in the nature of mandamus is issued to respondent no.2 to release the amount of petitioners due towards gratuity and 10% pension amount, so withheld, at the earliest but not later than four weeks from today.

9. No order as to costs.

10. Pending application(s), if any, stands disposed of accordingly.