
(2022) 11 UK CK 0065
In the Uttarakhand High Court
Case No : Writ Petition (S/B) No. 638 Of 2022

Om Pal Singh

APPELLANT

Vs

Uttarakhand Peyjal Sansadhan Vikas Evem Nirman Nigam &
Another

RESPONDENT

Date of Decision : 22-11-2022

Acts Referred:

Citation : (2022) 11 UK CK 0065

Hon'ble Judges : Vipin Sanghi, CJ; Ramesh Chandra Khulbe, J

Bench : Division Bench

Advocate : K.K. Harbola, B.S. Bisht, K.N. Joshi

Final Decision : Disposed Of

Judgement

Vipin Sanghi, CJ

1. Issue notice. Learned counsels appear and accept notice on behalf of the respondents.

2. The petitioner has preferred the present writ petition to claim the following amounts:-

A.

Gratuity

Rs.20,00,000/- (sanctioned, but not paid)

B.

Leave Encashment (300 days)

Rs.19,83,340/- (sanctioned, but not paid)

C.

Arrears of 7th Pay Commission (w.e.f. 01-01-2016 to 31-12-2016)

Rs.1,98,222/- (Approx.) (sanctioned, but not paid)

D.

Arrears of Increase in Dearness Allowance

(w.e.f. 01.07.2021 to 31.07.2021)

Rs.4,522/- (sanctioned, but not paid)

E.

Arrears of Increase in Dearness Allowance

(w.e.f. 01.07.2021 to 31.03.2022)

Rs.84,784/- (sanctioned, but not paid)

F.

Arrears of Increase in Dearness Allowance

(w.e.f. 01.01.2022 to 31.08.2022)

Rs.18,168/- (sanctioned, but not paid)

Total

Rs.42,89,036/-

3. Counsel for the respondent No. 1, who appears on advance notice, submits that the respondent-Nigam has not been able to make payment of the amounts claimed towards gratuity, leave encashment, dearness allowance and arrears of dearness allowance of pension due to paucity of funds.

4. In similar cases preferred before this Court, we have directed payment of the claims mentioned in the preceding paragraph. We, therefore, direct the respondent No. 1 to pay the leave encashment to the petitioner within three months from today. The gratuity shall be paid within four months. The other claims mentioned above, shall also be paid within five months. We make it clear that we have not gone into the correctness of the computation made by the petitioner, and it shall be the responsibility of the respondent to compute the amounts payable under the aforesaid heads with intimation to the petitioner.

5. So far as the claim for arrears of the 7th Pay Commission is concerned, there is a dispute raised by the respondent in this regard. The petitioner is a public servant. The said claim can be adjudicated in a claim petition before the Uttarakhand Public Services Tribunal.

6. We, accordingly, dispose of this petition, leaving it open to the petitioner to approach the Tribunal to claim his relief regarding arrears of 7th Pay Commission.

7. Pending application, if any, also stands disposed of.