
(2022) 04 UK CK 0070

In the Uttarakhand High Court

Case No : Writ Petition (S/B) No. 192 Of 2022

Puran Chandra Lohumi

APPELLANT

Vs

State Of Uttarakhand & Others

RESPONDENT

Date of Decision : 18-04-2022

Acts Referred:

Citation : (2022) 04 UK CK 0070

Hon'ble Judges : R.C. Khulbe, J

Bench : Single Bench

Advocate : Alok Mahra, S.S. Chauhan, D.S. Patni, B.S. Bisht

Final Decision : Disposed Of

Judgement

Manoj Kumar Tiwari, J

1. Petitioner retired from the post of Executive Engineer, Uttarakhand Payjal Evam Nirman Nigam, Pithoragarh on 31.07.2019. Since he has not been paid the amount of Leave Encashment and arrears of 7th Pay Commission, therefore, petitioner has approached this Court seeking the following reliefs:

(i) Issue a writ, order or direction in the nature of mandamus commanding the respondents to forthwith release the Leave Encashment and arrears of 7th Pay Commission mentioned in para 5 to the writ petition to the petitioner along with 18% interest.

(ii) Issue any other suitable writ, order or direction which this Hon'ble Court may deem fit and proper in the circumstances of the case.

2. Mr. D.S. Patni, learned Senior Counsel appearing for respondent nos. 2 & 3 while admits liability of the Uttarakhand Payjal Sansadhan Vikas evam Nirman Nigam to pay Leave Encashment & arrears of 7th Pay Commission to petitioner, however, he submits that due to financial constraint, the amount due to petitioner could not be paid to him. He, however, assures the Court that all outstanding dues of the petitioner would be cleared as early as possible.

3. Having regard to the submission made by learned Senior Counsel for respondent nos. 2 & 3, the writ petition is disposed of by directing respondent nos. 2 & 3 to pay Leave Encashment, arrears of 7th Pay Commission and other outstanding dues, if any, to the petitioner as early as possible; but, not later than three months from today. Petitioner shall be entitled to simple interest @ 6% per annum on the delayed payment of outstanding dues, if payment is not made within three months.