

(2021) 08 UK CK 0217

In the Uttarakhand High Court

Case No : Writ Petition (S/S) No. 1024 Of 2021

Rakesh Kumar Saxena

APPELLANT

Vs

Managing Director, Uttarakhand Transport Corporation At
Dehradun And Others

RESPONDENT

Date of Decision : 12-08-2021

Acts Referred:

Constitution Of India, 1950 — Article 226

Citation : (2021) 08 UK CK 0217

Hon'ble Judges : Ravindra Maithani, J

Bench : Single Bench

Advocate : Ganesh Kandpal, Ashish Joshi

Final Decision : Disposed Of

Judgement

Ravindra Maithani, J

1. The instant writ petition has been filed seeking the following reliefs:-

I. a writ, order or direction in the nature of mandamus directing the respondents to release the entire amount of gratuity & leave encashment to

the petitioner with 12% of interest.

II. a writ, order of direction in the nature of mandamus, which this Hon'ble court may deem fit and proper on the basis of the facts and

circumstances of the case.

III. Award the cost of the petition to the petitioner.

2. Heard learned counsel for the parties and perused the record.

3. It is the case of the petitioner that initially he was appointed as a Driver with the respondents, Uttarakhand Transport Corporation (for short,

Corporation) in the year 1986 and superannuated on 30.04.2020, but he

has not been paid the retiral dues.

4. At the very outset, the Court wanted to know from the learned counsel for the petitioner, as to why should this Court entertain the writ petition

under Article 226 of the Constitution of India, in view of the availability of alternate efficacious remedy from the State Public Services Tribunal, as

constituted under the Uttar Pradesh Public Services (Tribunal) Act, 1976.

5. Learned counsel for the petitioner would submit that the respondents Corporation has admitted its claim and they are not denying the claim.

6. When questioned, learned counsel for the respondents Corporation would submit that the respondents Corporation admits the claim, but due to

financial crunch Corporation needs reasonable time to make the payment.

7. The Court takes on record the statement given by the learned counsel for the respondents Corporation.

8. The writ petition is disposed of with the directions to the respondents, to make payment of all admissible retiral dues to the petitioner within a period

of four months from today.