
(2000) 11 AHC CK 0064
In the Allahabad High Court
Case No : Writ Petition No. 49768 of 2000

Ram Pal Yadav

APPELLANT

Vs

State of U.P.& Ors.

RESPONDENT

Date of Decision : 15-11-2000

Acts Referred:

Citation : (2000) 11 AHC CK 0064

Hon'ble Judges : O.P.Garg, J

Final Decision : Disposed Of

Judgement

O.P. Garg, J.—Heard Sri N. A. Khan, learned counsel for the petitioner as well as learned standing counsel.

2. The petitioner who was Junior Assistant, stood superannuated on 3111997. Pensionary and retrial benefits have not been released in favour of the petitioner. Learned counsel for the petitioner pointed out that since the petitioner was a retrenched employee, his case is to be governed by the Government order dated 11111993, a copy of which is Annexure2 to this petition. It is stated that after proper computation of the length of service of the petitioner in1 the light of the aforesaid Government Order, the petitioner shall be entitled to pensionary and retrial benefits, which have not been released. The factual aspect of the matter can not be gone into and decided by this Court in writ jurisdiction under Article 226 of Constitution of India. I, therefore, leave the matter for being decided by the departmental authorities.

3. This petition is finally disposed of with the direction that respondent No. 2 shall himself look into the matter and pass appropriate orders in the matter of the petitioner on the basis of the Government Order dated 11111993, a copy of which is Annexure2 to the petition, as well as subsequent orders, if any passed thereafter. The pensionary and retrial benefits, as may be permissible to the petitioner according to rules, shall be released positively within three months from the date a certified copy of this order is produced before respondent No.2.

4. It is further directed that the petitioner shall also be entitled interest on the outstanding dues at the rate of 12 per cent per annum from the date which falls after six months of the retirement of the petitioner, provided the pensionary benefits were not delayed on account of certain fault of the petitioner, in view of the pronouncement of the Apex Court in the celebrated decisions in D.S. Nakara v. Union of India, reported in AIR 1983 SC 95 as well as subsequent decisions in (1985) 50 FLR 145, State of Kerala v. N. Padmanabhan Nair and (1994) 69 FLR 1137 R. Kapoor v. Director of Inspection Income Tax.