

(2022) 10 UK CK 0049
In the Uttarakhand High Court
Case No : Writ Petition (S/B) No. 548 Of 2022

Ramji Ram Verma

APPELLANT

Vs

Uttarakhand Payjal Sansadhan Vikas Evem Nirman Nigam
And Another

RESPONDENT

Date of Decision : 15-10-2022

Acts Referred:

Citation : (2022) 10 UK CK 0049

Hon'ble Judges : Vipin Sanghi, CJ; Manoj Kumar Tiwari, J

Bench : Division Bench

Advocate : K.K. Harbola, Bhupendra Singh Bisht, S.S. Chaudhary

Final Decision : Disposed Of

Judgement

Vipin Sanghi, CJ

1) Issue notice.

Mr. Bhupendra Singh Bisht, learned counsel appears and accepts notice on behalf of respondent No. 1.

Mr. S.S. Chaudhary, learned Brief Holder for the State appears and accepts notice on behalf of respondent No. 2.

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) @ D.A. 34%

Rs.20,28,760/-(sanctioned but not paid)

C.

Transfer Travelling Allowance

Rs.82,964/-(sanctioned but not paid)

D.

Arrears of Dearness Allowance - (w.e.f. 01.07.2021 to 31.01.2022 31%(31-28) and w.e.f. 01.01.2022 to 31.01.2022 difference of 3% (34-31)

Rs.36,336/-(sanctioned but not paid)

E.

Arrears of D.A. of Pension - w.e.f. 01.02.2022 to 30.04.2022 @ 17%(31%-28%) and w.e.f. 01.02.2022 to 31.08.2022 @ 3% (34-31)

Rs.37,093/-(sanctioned but not paid)

F.

Arrears of 7th Pay Commission - (w.e.f. 01.01.2016 to 31.12.2016)

Rs.1,98,492/-

Total

Rs.43,83,645/-

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

4) In similar cases preferred before this Court, we have allowed these claims. 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. 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.

5) The petitioner is a public servant. The said issue 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.

7) Writ petition stands disposed of in the aforesaid terms.