

(2011) 02 AHC CK 0352

In the Allahabad High Court

Case No : Special Appeal Defective No. 813 of 2010

Ramjit Yadav and Others

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision : 21-02-2011

Acts Referred:

Citation : (2011) 02 AHC CK 0352

Hon'ble Judges : Sunil Ambwani, J; Jayashree Tiwari, J

Bench : Division Bench

Final Decision : Disposed Of

Judgement

1. We have heard learned Counsel for the Appellants-Appellants.
2. The delay in filing the Special Appeal has been sufficiently explained and is condoned.
3. The Petitioners are retired non-centralized employees of the Nagar Palika Parishad, Shahganj, District Jaunpur. They filed the Writ Petition No. 24537 of 2010 for a direction to Respondent No. 3 to pay the arrears of revised pension together with dearness allowance and interest. The writ petition has been disposed of with a direction to the Respondent No. 3 to proceed to examine the claim of the Petitioners and pass an appropriate order in accordance with law within three months. In the event the Petitioners are found entitled for any payments, the same was directed to be released forthwith.
4. Learned Counsel for the Petitioners states that the Commissioner had already decided the Petitioners' claim and found them to be entitled to the terminal benefits.
5. We are informed that the Nagar Palika Parishad, Shahganj, District Jaunpur filed a Special Appeal Defective No. 745 of 2010 against the judgment. The delay was condoned and the Special Appeal was dismissed with directions that learned Single Judge had not adjudicated any issues nor had issued any direction to the

Nagar Palika Parishad regarding entitlement of the terminal benefits. The Petitioners-Respondents are entitled to the terminal benefits in terms of the statutory conditions of employment. If the Nagar Palika Parishad does not have fund, they can request the State Government for special grants.

6. Since the same judgment has been upheld by the Court, a Special Appeal by the beneficiaries of the same judgment are not entitled to any fresh consideration.

7. Learned Counsel for the Petitioners has relied upon a judgment of this Court in Special Appeal No. 333 of 2006 Shripati Tripathi v. State of U.P. and Ors. decided on 12.10.2010 by which the Court directed the interest to be paid where the delay for non-payment of retrial dues and arrears of pension is attributable of the employer.

8. We do not find that any directions are required to be given, in addition to the directions issued by learned Single Judge. The legal position has been amply clarified and relief has been given to the Respondents. The question of payment of interest may arise only after the dues are paid.

9. The Special Appeal is accordingly disposed of.