

(2020) 09 UK CK 0021
In the Uttarakhand High Court
Case No : Writ Petition (S/B) No. 89 Of 2019

Vishwa Chandra Biswas

APPELLANT

Vs

State Of Uttarakhand And Others

RESPONDENT

Date of Decision : 08-09-2020

Acts Referred:

Citation : (2020) 09 UK CK 0021

Hon'ble Judges : Ravi Malimath, J; R.C. Khulbe, J

Bench : Division Bench

Advocate : Dinesh Gahtori, C.S. Rawat

Final Decision : Disposed Of

Judgement

Ravi Malimath, J

1. This petition is filed seeking for a writ of mandamus to direct the respondents to pay the retiral dues, namely, regular pension, gratuity, etc. to the petitioner.
2. Shri C.S. Rawat, learned additional chief standing counsel for the State of Uttarakhand, submits that all benefits have been given; and in so far as the pension and the gratuity are concerned, the Government has approved the same and has sent the same to the Treasury for further action. Hence, he submits that the amount due shall be paid to the petitioner in due course.
3. In view of the submissions made by the learned additional chief standing counsel, the petitioner has no other submission to make. Shri Dinesh Gahtori, learned counsel for the petitioner, however, pleads that there is a delay of more than two and a half years in making the payment. Hence, interest should be awarded. The same is countered by Shri C.S. Rawat, learned additional chief standing counsel for the State of Uttarakhand stating that the petitioner did not co-operate with the State; various information were called for from him, which he delayed; and, therefore, it is only because of the petitioner that the delay has occasioned.

4. In view of the contentions advanced and the delay being occasioned due to the petitioner, we are of the view that the petitioner would not be entitled for interest on the delayed payment of pension and gratuity.

5. In view of the submissions made, the petition is disposed-off.