

Court No. - 36

Case :- WRIT - A No. - 7912 of 2023

Petitioner :- Anant

Respondent :- Managing Director U.P. Jal Nigam And 3 Others

Counsel for Petitioner :- Ashutosh Kumar Rai

Counsel for Respondent :- Sanjay Kumar Om

Hon'ble Ashutosh Srivastava,J.

Heard Sri Ashutosh Kumar Rai, learned counsel for the petitioner and Shri Sanjay Kumar Om, learned counsel for U.P. Jal Nigam.

The contention of learned counsel for the petitioner is that petitioner retired from service on 31.01.2020 while serving on the post of Chaukidar. As per submission of learned counsel for the petitioner, no post retiral benefits have been paid to the petitioner till date, resultant thereof, the petitioner and his entire family has been suffering irreparably.

Learned counsel for the opposite party has fairly submitted that the post retiral benefits to the petitioner shall be paid with expedition and on account of some financial constraints to the Corporation those benefits could not be paid well in time.

Having heard learned counsel for the parties and having perused the material available on record, I am of the considered opinion that the payment of post retiral benefits to the retiring employees should be paid with expedition, if there is no legal impediment. In this case, the learned counsel for the petitioner has submitted that there was no legal impediment with the department in making payment of post retiral benefits, therefore, the petitioner should be entitled for the interest strictly in accordance with law.

Accordingly, the writ petition is disposed of finally directing the Account Officer, U.P. Jal Nigam (Rural), Lucknow to make payment of gratuity and leave encashment along with arrears of dearness allowances to the petitioner within a period of three months along with admissible interest strictly in accordance with law, if there is no legal impediment. It is clarified that if the retiral benefits are not paid within aforesaid stipulated time as directed above, the petitioner may also be entitled for 6% interest on admitted dues.

In case the petitioner feel aggrieved by the final order with regard to claim passed by the respondents, it shall be open to the petitioner to challenge the same in accordance with law.

Order Date :- 8.5.2023

Deepak/