

Court No. - 34

Case :- WRIT - A No. - 8654 of 2023

Petitioner :- Dr Harivansh Chopra

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Azim Ahmad Kazmi, Mohd. Naseer Ahmad

Counsel for Respondent :- CSC

Hon'ble Ajit Kumar, J.

1. Heard Sri Naseer Ahmad, learned counsel for the petitioner and learned Standing Counsel for the State-respondents.

2. Petitioner who has been working as Professor in medical college namely Lala Lajpat Rai Medical College, Meerut has retired on 31.03.2021 upon attaining age of 65 years. However, he has been denied gratuity only on account of the fact that he had retired at the age of 65 years instead of 60 years option to retire and then he has also been refused 40% of the commutation of pension.

3. Counsel for the petitioner submits that controversy is no more *res integra* as this Court has already held such professors to be entitled gratuity as well as 40% of commutation of pension amount in its judgment passed in the case of ***Dr. Sunil Kumar Garg & ors v. State of UP & ors and connected matters being Writ-A No.1584 of 2023 with Writ-A No.1725 of 2023***. The judgment has been passed by this Court on 06.09.2023 with following directions:

"24. In view of the above, the order impugned is held unsustainable and deserves therefore, to be quashed. Accordingly, both the writ petitions succeed and are allowed. The orders impugned therein dated 13.12.2022 denying the claim of the petitioners are quashed. Respondents are directed to release the gratuity of the petitioners forthwith in terms of the Government order dated 23.12.2016 and so also the commutation of pension amount @ 40% and whatever amount already paid to the petitioners towards the commutation of pension shall be adjusted accordingly. Appropriate payment orders shall be issued within a period of 60 days from the date of production of certified copy of this order."

4. Learned Additional Chief Standing Counsel, Sri P.K. Srivastava could not dispute above legal position.

5. In view of the above, this petition also stands disposed of in terms of judgment and directions issued therein on 06.09.2023 passed in ***Dr. Sunil Kumar Garg's*** case (*supra*).

Order Date :- 5.12.2023

P Kesari