

Court No. - 6

Case :- WRIT - C No. - 31765 of 2023

Petitioner :- Khube

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

Counsel for Petitioner :- Vijay Kumar Pathak, Manu Mishra

Counsel for Respondent :- C.S.C.

Hon'ble Mrs. Manju Rani Chauhan, J.

Heard Mr. Manu Mishra, learned counsel for the petitioner and learned Standing Counsel for the respondents-State.

This writ petition has been filed by the petitioner with the following prayer:-

"(i) To issue a writ, order or direction in the nature of mandamus directing the respondent no.3 to execute and release amount of Rs.1,85,087/- @ 10% interest w.e.f. 05.08.2011 & @ 15% per annum of compound interest w.e.f. 06.04.2019 as per provisions of Section 8 of the Payment of Gratuity Act, 1972 till the date of actual payment, from respondent no.2 in terms of recovery certificate dated 19.07.2019 issued under Section 8 of Payment of Gratuity Act, 1972 in pursuance of order dated 06.02.2019 passed by respondent no.4 in P.G.A. Case no.18/2014 (Sri Khube vs. M/s Neoli Sugar Factory), within stipulated time period as may be fixed by this Hon'ble Court.

(ii) To issue a writ, order or direction in the nature of mandamus directing the respondent nos.2,3&4 to ensure payment of Rs.1,85,087/- @ 10% interest w.e.f. 05.08.2011 & @ 15% per annum of compound interest w.e.f. 06.04.2019 as per provisions of Section 8 of the Payment of Gratuity Act, 1972 till the date of actual payment to the petitioner in pursuance of order dated 06.02.2019 passed by respondent no.4 in P.G.A. Case no.18/2014 (Sri Khube vs. M/s Neoli Sugar Factory), under Section 7(4) of Payment of Gratuity Act, 1972, within stipulated time period as may be fixed by this Hon'ble Court.

....."

Learned counsel for the petitioner submits that the gratuity amount alongwith interest has been deposited before the District Labour Commissioner. He prays that time may be granted to the petitioner to move an application before the concerned authorities, i.e. District Labour Commissioner for getting the aforesaid amount released.

Learned Standing Counsel has no objection to the aforesaid submission.

In view of the aforesaid, no useful purpose will be served to keep this writ petition pending and calling for a counter affidavit.

Considering the facts and circumstances of the case, without expressing any opinion on the merits of the case, this writ petition is finally **disposed of** at this stage with a direction to the petitioner to file afresh application before the District Labour Commissioner, within two weeks from today along with a certified copy of this order and, if any such application is filed, the District Labour Commissioner shall do the needful to release the amount as deposited by the respondents authorities, as expeditiously as possible.

Order Date :- 2.11.2023

Jitendra/-