

Court No. - 10

Case :- WRIT - A No. - 18929 of 2023

Petitioner :- Jitendra Kumar Bajpayee And Another

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Kuldeep Johri

Counsel for Respondent :- C.S.C,Ravindra Singh

Hon'ble Kshitij Shailendra,J.

1. Heard Sri Kuldeep Johri, learned counsel for the petitioners, learned Standing Counsel for respondent nos. 1 and 4, Sri Ravindra Singh, learned counsel for respondent nos. 3 and 5 and perused the record.

2. The petitioner no.1 retired from service on 30.9.2020 and the petitioner no.2 on 31.10.2020. The grievance of the petitioners is that more than three years have lapsed, but till date, post retiral benefits admissible to them, have not been released.

3. This Court in case of ***Mukti Nath Rai Vs. State of U.P. (through Superintending Engineer, P.W.D.) and others (1992) 2 AWC 644*** and in case of ***Ram Kumar Vs. State of U.P. and another passed in Writ-A No. 12283 of 2023 decided on 22.8.2023*** has held that withholding of post retiral benefits is seriously prejudicial to the interest of the concerned employees and despite issuance of a general mandamus, departments are not releasing benefits and are causing unreasonable delay. This Court also directed the State Government to issue a circular directing all the departments to release the post retiral benefits with utmost expedition.

4. Considering the fact that more than three years period has lapsed since the date of retirement of the petitioners and the respondent no.5 being the competent authority, the writ petition is **disposed of** with the following directions:

(i) The petitioners shall file a certified copy of this order before respondent no.5 by the end of this month.

(ii) Respondent no.5 with the assistance of the concerned office shall compute the entire post retiral benefits admissible to the petitioners and shall release the same before 28.2.2024.

(iii) In case, any amount is not found to be admissible to the petitioners, specific orders shall be passed in this regard within

the same period of time.

(iv) The petitioners shall be entitled to admissible interest on post retiral benefits from the date, the amount became due till the date of actual payment.

Order Date :- 8.11.2023

CS/-