

Neutral Citation No. - 2023:AHC-LKO:36983

Court No. - 8

Case :- WRIT - A No. - 3298 of 2023

Petitioner :- Dr. Neelima Sachan

Respondent :- State Of U.P. Thru. Prin. Secy. Deptt. Of
Ayush, Govt. U.P. Lko. And 3 Others

Counsel for Petitioner :- Dharmendra Kumar Misra

Counsel for Respondent :- C.S.C.

Hon'ble Dinesh Kumar Singh,J.

1. Heard learned counsel appearing for the petitioner and learned Additional Chief Standing Counsel appearing for the State.

2. Present petition under Article 226 of the Constitution of India has been filed seeking a direction to the respondents to pay service retiral dues along with interest to the petitioner and sanction medical leave from 06.07.2017 to 04.03.2018.

3. Petitioner's case for sanctioning him medical leave from 06.07.2017 to 04.03.2018 has been rejected vide order dated 23.03.2023 considering the provisions of Financial Hand Book-II, Part 2 to 4, Rules 89 to 94 inasmuch the petitioner has not provided requisite certificates of his illness from a Government doctor or medical board. The petitioner had submitted the post dated medical certificates for the period for which she was seeking the medial leave, therefore, request of the petitioner to sanction her medical leave has been rejected.

4. I find the order passed rejecting the request of the petitioner to sanction leave from 06.07.2017 to 04.03.2018 does not suffer from any illegality, which requires any interference by this Court in exercise of its jurisdiction under Article 226 of the Constitution of India.

5. So far as other retiral dues of the petitioner are concerned, an affidavit of Dr. Prakash Chandra Saxena, Director,

Ayurveda Services, Uttar Pradesh has been tendered today in the Court, which is taken on record. The affidavit contains a chart in para 8 which would disclose that the petitioner had been paid all retiral dues as under:-

S. No	Retiral Dues	Amount	Date of Payment
1	Commutation of 300 days of Earned Leave	Rs.16,46,860/-	04.01.2023
2	90% G.P.F.	Rs.36,99,637/-	09.11.2022
3	10% G.P.F.	Rs.5,34,738/-	16.01.2023
4	G.I.S.	Rs.2,29,893/-	13.10.2022
5	Pension	Rs.50697/- + D.A.	Sanctioned by Addl Director, Kanpur Division, Kanpur vide order dated 08.05.2023
6	Gratuity	Rs.13,58,660/-	Sanctioned by Addl Director, Kanpur Division, Kanpur vide order dated 08.05.2023
7	Commutation of Pension	Rs.19,93,895/-	Sanctioned by Addl Director, Kanpur Division, Kanpur vide order dated 08.05.2023

6. Item No.1 to 4 were paid before this petition has been filed and Item No.5 to 7 have been paid on 8.5.2023 after filing of this writ petition.

7. In view thereof, the petitioner has been paid retiral dues and he has also been sanctioned pension of Rs.50,697/- plus Dearness Allowance, therefore, nothing survives in the writ petition.

8. At this stage, learned counsel appearing for the petitioner submits that the petitioner is not being paid full pension, however, there is nothing on record, which would suggest that the petitioner is not being paid full pension.

9. In view of the aforesaid, this petition is dismissed. However, if the petitioner is still aggrieved by the order rejecting sanction of medical leave, he may approach the authority or the Court, as he may be advised.

(Dinesh Kumar Singh, J.)

Order Date :- 24.5.2023
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