

Court No. - 20

Case :- WRIT - A No. - 5485 of 2023

Petitioner :- Ram Govind Tripathi And 4 Others

Respondent :- State Of U.P. Thru. Addl. Chief Secy. Medical Edu. Govt. Of U.P. Civil Sectt. Lko. And 3 Others

Counsel for Petitioner :- Raj Karan Singh

Counsel for Respondent :- C.S.C., Shiv P. Shukla

Hon'ble Manish Mathur, J.

Heard learned counsel for the petitioner, learned State Counsel for opposite parties no. 1-3 and Mr. Shiv P. Shukla, learned counsel for opposite party no.4.

Petition has been filed seeking a direction to opposite parties to provide post-retiral pensionary benefits including arrears pertaining to father of petitioners, namely, Late Shri Mangla Prasad Tripathi, along with interest.

On 30.07.2023, the following order had been passed:-

"Heard.

The contention of learned counsel for the petitioners is that despite Shri Mangla Prasad Tripathi, father of petitioners no. 1 to 4 and husband of petitioner no. 5 having died on 18.10.2012, the retiral dues of the deceased employee have still not been paid.

On the other hand, learned Standing Counsel states that a CBI inquiry is still pending against Shri Mangla Prasad Tripathi, as such the dues have not been paid.

Learned Standing Counsel prays for and is granted a weeks' time to seek instructions as to why even if CBI inquiry is pending and Shri Mangla Prasad Tripathi died in October 2012 as to how mere pendency of CBI inquiry can be an impediment for non-release of retiral dues and whether the CBI inquiry against a dead person can continue and if so, can it be an impediment in payment of retiral dues.

It is open to learned counsel for the petitioner to implead CBI as a party in the petition.

List in the next week as fresh. "

In pursuance thereof, Mr. Shiv. P. Shukla, learned counsel for the C.B.I. on the basis of instructions submits that since father of petitioners has already passed away on 18.10.2002, no further C.B.I inquiry is pending in the matter against him.

Learned State Counsel has also been provided written instructions dated 22.11.2023 which are taken on record and as per which disciplinary proceedings against Late Shri Mangala Prasad Tripathi have been ended without any punishment being awarded in view of his demise. It has also been stated that a decision has been taken for payment of retiral benefits due to him to his heirs.

In view of aforesaid, the opposite parties are directed to make payment of aforesaid retiral benefits due to Late Shri Mangala Prasad Tripathi, to the petitioner in proportion thereof, within a period of 8 weeks from the date certified copy of this order is produced before the concerned authority.

Considering the aforesaid, the petition succeeds and is **allowed**.

Parties to bear their own cost.

Order Date :- 30.11.2023

Manoj K.