

Court No. - 8

Case :- WRIT - A No. - 606 of 2015

Petitioner :- Rama Kant Sharma

Respondent :- State Of U.P. Through Prin. Secy. Sugarcane Development And Su

Counsel for Petitioner :- Saryu Prasad Tiwari, Umesh Singh

Counsel for Respondent :- C.S.C., Anand Shanker Asthana, Anil Srivastava

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 following relief:-

" Issue a writ, order or direction in the nature of Mandamus directing the opposite parties to pay the full gratuity to the petitioner including the services rendered by the petitioner in the constructed council in pursuance of the Government Order dated 15.12.1976 + 18% interest."

3. After attaining the age of superannuation, the petitioner retired on 31.05.2012 from the office of Director, U.P. Council of Sugarcane Research Shahjahanpur (hereinafter referred to as 'Council') from the post of Statistical Officer. This writ petition came to be filed in the year 2015.

4. The petitioner was earlier employed with the State Government on 31.03.1994 and joined the Council on the post of Computer on 01.04.1994. The State Government had paid gratuity @ 38 half yearly basis and he was also getting his pension from the State Government as applicable to him. After the petitioner retired from the Council, a State Government undertaking, petitioner's Gratuity was calculated at maximum of 66 half yearly basis adding services rendered in the Government. The petitioner has no basis to make such a claim. The Council and the State Government are two different organizations. The petitioner has been paid gratuity for the services rendered by him by the State Government and the research Council has paid gratuity and pension for the service rendered by him by the Council. Both the services cannot be clubbed together as it was not absorption of the petitioner in the Council, but it was a fresh appointment. In view thereof, I find no substance in the writ petition. The writ petition

being devoid of merit and substance, is hereby **dismissed**.

(Dinesh Kumar Singh, J.)

Order Date :- 10.7.2023
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