

Court No. - 20

Case :- WRIT - A No. - 7933 of 2023

Petitioner :- Manoj Kumar Lakhtakia Thru. Power Of Attorney Holder
Rajendra Kumar

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

Counsel for Petitioner :- Anurag Srivastava

Counsel for Respondent :- C.S.C.,Dipak Seth

Hon'ble Manish Mathur,J.

1. Heard learned counsel for petitioner and learned State Counsel appearing on behalf of opposite parties 1 to 3 and Mr. Dipak Seth learned counsel for opposite party No.4.

2. Petition has been filed seeking a direction to the opposite parties for payment of interest accrued on the amount of general provident fund with effect from August, 1998 till the date of final payment on 15th September, 2019 in accordance with Rule 11 of the General Provident Fund Rules 1985. Interest on the outstanding interest has also been sought.

3. It has been submitted that earlier petitioner had filed writ petition No. 27187 (S/S) of 2021 for the same relief, which was disposed of vide order dated 23rd November, 2021 directing the concerned authority to take a final decision with regard to petitioner's grievances. It is submitted that despite a copy of the aforesaid order having been served upon the concerned authority, no final decision has been taken nor any payment made to petitioner in pursuance thereof.

4. Learned counsel appearing on behalf of opposite party No.4 on the basis of material on record submits that as per direction issued earlier by this Court, the opposite party No.4 was required to call for relevant records from the Engineer in Chief and Head of department, Department of Irrigation and Water Resources who was also required to cooperate. On receipt of aforesaid documents, final decision was required to be taken. It is submitted that as would be evident from the letter dated 31st May, 2023 (Annexure No.10) at least three letters were sent by the opposite party No.4 dated 17th January, 2022, 22nd March, 2022, 13th July, 2022 and 3rd October, 2022 requiring the aforesaid documents, which did not appear to have been supplied due to which final decision could not be taken.

5. Considering submissions advanced by learned counsel for parties, it is quite evident that petitioner has a continuing and

recurring cause of action and therefore present petition would not be barred in terms of Chapter 22 Rule 7 of the Allahabad High Court Rules.

6. In view of submissions advanced and as per material available on record, it is evident that directions issued by this court on 23rd November, 2021 have not been complied with for whatever reasons.

7. Therefore the opposite party No.2 i.e. Engineer-in-Chief & Head of Department, Department of Irrigation and Water Resources, Lucknow is directed to provide relevant documents to opposite party No.4 i.e. Accountant General (Accounts & entitlement), Uttar pradesh, Allahabad, Indian Audit and Accounts department, Allahabad within a period of six weeks from the date a certified copy of this order is produced before the concerned authority. On receipt of such documents, the opposite party No.4 shall take a final decision with regard to petitioner's grievances as directed earlier vide order dated 23rd November, 2021. In case petitioner is found eligible for the aforesaid, payment of the same shall be ensured to petitioner within a period of six weeks thereafter.

8. With the aforesaid observations, the writ petition stands **disposed of.**

Order Date :- 12.10.2023

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