

Court No. - 8

Case :- WRIT - A No. - 8039 of 2023

Petitioner :- Shasthi Ballabh Tiwari

Respondent :- Union Of India Thru. Secy. Deptt. Of Telecommunication Mini. Comm. New Delhi And 2 Others

Counsel for Petitioner :- Raj Mani Dubey

Counsel for Respondent :- A.S.G.I., Satya Prakash Tiwari

Hon'ble Pankaj Bhatia, J.

1. Heard Sri Raj Mani Dubey, learned counsel for the petitioner, Sri Anand Dwivedi, learned counsel appearing on behalf of Union of India and Ms. Nidhi Singh holding brief of Sri S.P. Tiwari, learned counsel, appearing on behalf of respondents no.2 and 3.

2. Prayer made in the present writ petition is with regard to payment of interest on delayed payment of post retiral dues payable to the petitioner.

3. It is submitted by learned counsel for the petitioner that petitioner retired from Indian Telephone Industry Raebareli on 31.12.2022 after attaining age of superannuation from the post of Assistant Engineer. The post retiral dues were not paid to the petitioner. It is stated that it is the respondents who are responsible for delayed payment.

4. Learned counsel for the petitioner has relied upon the judgment of Hon'ble Supreme Court in the case of ***Nand Lal Vs. Indian Telephone Industries Limited and 2 Others (Writ-A No. 31490 of 2016, decided on 09.03.2018)*** where this Court has considered and decided similar issue and the interest was held to be payable on account of delayed payment of post retiral dues.

5. It is further submitted by learned counsel for the petitioner that once the post retiral dues become payable, it is incumbent upon the respondents to pay the same within reasonable period of time. It is submitted that five years cannot be held to be reasonable period of time and accordingly the respondents shall be directed to pay interest on delayed payment of post retiral dues to the petitioner.

6. Learned counsel for the petitioner after arguing the matter up to some length, submits that grievance of the petitioner shall be suitably redressed in case respondent no. 3 is directed to consider and decide petitioner's representation with regard to payment of interest on delayed payment of post retiral dues, expeditiously.

7. Learned counsel for the respondents has no objection to the above prayer made by counsel for the petitioner.

8. In view of above, petitioner is directed to prefer fresh representation alongwith certified copy of this order, before respondent no. 3 - Additional General Manager/Unit Head (R.B.), ITI Ltd., Doorbhash Nagar, Raebareli within two weeks from today with regard to payment of interest on delayed payment of post retiral dues. In case such representation is made by petitioner, respondent no. 3 is directed to consider and decide the same in the light of judgment of Apex Court in the case of ***Nand Lal (supra)***, expeditiously, say within six weeks from the date of representation, by means of reasoned and speaking order in accordance with law and communicate the decision to the petitioner.

9. With above directions the writ petition stands ***disposed of.***

Order Date :- 16.10.2023

Arun