

Court No. - 20

Case :- WRIT - A No. - 9064 of 2023

Petitioner :- Ram Bahadur Yadav

Respondent :- Union Of India Thru. Director General Railway Protection Force New Delhi And 3 Others

Counsel for Petitioner :- Abhishek Dwivedi

Counsel for Respondent :- A.S.G.I.

Hon'ble Manish Mathur,J.

1. Heard learned counsel for petitioner and Mr. S.B. Pandey learned Senior Counsel assisted by Mr. Anand Dwivedi learned counsel for opposite parties.

2. Petition has been filed seeking a direction to opposite parties for payment of gratuity and leave encashment and security amount payable to petitioner due to his superannuation on 28th February, 2006. Further prayer for arrears of monthly pension with effect from 28th February, 2006 to 1st August, 2012 and interest thereupon has also been sought.

3. It has been submitted that earlier petitioner was dismissed from service vide order dated 22nd October, 1998 against which appeal and revision were also rejected leading to filing of writ petition No. 5502 (S/S) of which was allowed by means of judgment and order dated 17th February, 2009. Special appeal No. 230 of 2009 as well as special leave petition converted to civil appeal No. 9334 of 2010 was also dismissed on 26th November, 2021 but the aforesaid benefits have yet not been paid to petitioner.

4. It is submitted that in the meantime petitioner superannuated on 28th February, 2006 but due to pendency of aforesaid proceedings, the benefits have yet not been paid to him. It is submitted that once dismissal order passed against petitioner has already been quashed and has been upheld up till Hon'ble Supreme Court, petitioner is entitled for the aforesaid relief.

5. For the aforesaid grievance, petitioner has already submitted a representation but seeks liberty to file a fresh representation before the concerned authority.

6. Considering innocuous prayer being made by learned counsel for the petitioner and without entering into the merits of the case petitioner is granted liberty to file a fresh representation before opposite parties 3 and 4. In case such a representation is filed, the same shall be decided by a reasoned and speaking

order within with period of six weeks from the date a copy of this order is produced before the said authority. In case petitioner is found entitled for the aforesaid benefits, payment of same shall also be made to him within a further period of six weeks.

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

Order Date :- 24.11.2023
prabhat