

Court No. - 19

Case :- WRIT - A No. - 9341 of 2023

Petitioner :- Noor Alam

Respondent :- State Of U.P. Thru. Prin. Secy. Minorities Welfare, Lucknow And 3 Others

Counsel for Petitioner :- Mohiuddin Khan

Counsel for Respondent :- C.S.C., Diwakar Singh

Hon'ble Jaspreet Singh, J.

1. Heard learned counsel for the petitioner.
2. Notice on behalf of the respondent no.1 has been accepted by office of the Chief Standing Counsel.
3. Shri Diwakar Singh, learned counsel has put in appearance on behalf of respondents no. 2 to 4.
4. The petitioner has approached this Court with the limited prayer and has stated that the petitioner has retired on 31.07.2019, however, despite having completed his tenure, his retiral dues were not paid which prompted the petitioner to invoke the jurisdiction of this Court by means of Writ Petition bearing Writ - A No.19406 of 2020 which came to be disposed of by means of order dated 05.11.2020. It is further urged that despite the same, the dues were not paid, the petitioner approached this Court by way of contempt petition and in pursuance thereof both the amount has been paid but the petitioner has been deprived of the interest for about more than four years. It is submitted that he has escalated the matter with the department by making a representation dated 29.11.2022, however, no decision has been taken and the petitioner is being compelled to run from pillar to post.
5. The fact that the petitioner has retired and he is entitled to

retiral benefits, is not in dispute. The dispute which is raised is regarding the interest component and Shri Diwakar Singh, the counsel for the respondents no.2 to 4 submits that on account of certain Administrative reason, the interest could not be paid and the department cannot be held to have willfully disobeyed the order.

6. Be that as it may, considering the fact that the petitioner has already retired and he is entitled to his retiral dues including the interest component. Accordingly, it cannot be said that the petitioner is at any fault however, since the petitioner has raised this matter with the department concerned. Accordingly, without entering into the merits of the matter, this Court disposes of the petition with a direction to the respondent no.3 to consider and pay the outstanding interest component to the petitioner within eight weeks from today. In case, there is any legal impediment, then the same shall be informed in writing with cogent reason why the interest has not been paid to the petitioner.

7. With the aforesaid, the petition is **disposed of**.

Order Date :- 7.12.2023

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