

Court No. - 7

Case :- WRIT - A No. - 9787 of 2023

Petitioner :- Om Prakash Rai

Respondent :- State Of U.P. Thru. Addl. Chief Secy. Sugar Industry And Cane Dev. Deptt. Lko And Another

Counsel for Petitioner :- Amit Kumar Singh

Counsel for Respondent :- C.S.C.,Indu Prakash Singh

Hon'ble Abdul Moin,J.

1. Supplementary affidavit filed today is taken on record.
2. Heard learned counsel for the petitioner, learned Standing Counsel for the respondent no. 1 and Shri I.P. Singh, learned counsel for the respondent no. 2.
3. With the consent of learned counsel appearing for the contesting parties, the writ petition is being finally decided.
4. The contention of learned counsel for the petitioner is that while the petitioner was working as General Manager he retired on attaining the age of superannuation on 30.10.2019. His retiral dues were not paid. On 01.12.2022 a show cause notice was issued to the petitioner, a copy of which is annexure 3 to the petition, asking him to show cause as to why an amount of Rs 2.12 lakhs be not recovered from him.
5. The petitioner claims to have submitted his reply but no order was passed on the same. As soon as he filed the instant writ petition the respondents have passed an order dated 15.12.2023, a copy of which is annexure SA 1 to the supplementary affidavit filed today, per which they have indicated that an amount of Rs 2.12 lakhs is being withheld from his retiral dues and the other retiral dues would be paid to the petitioner.
6. Learned counsel for the petitioner states that as in the instant writ petition he has not challenged the order dated 15.12.2023 as there was no occasion for him to challenge the same as it has

not been served upon him prior to filing of the writ petition yet he states that as now the respondents have proceeded to pass the order dated 15.12.2023 per which they have withheld an amount of Rs 2.12 lakhs and have also indicated that the other retiral dues of the petitioner are to be released as such considering that the petitioners' wife is suffering from Cancer as such the entire retiral dues be released within shortest possible time with liberty to the petitioner to challenge the order dated 15.12.2023 which has been passed by the respondent no. 2.

7. To the aforesaid proposition Shri I. P. Singh, learned counsel for the respondent no. 2 fairly has no objection.

8. Considering the aforesaid and as the respondent no. 2 has passed the order dated 15.12.2023 per which the entire retiral dues are to be released after withholding an amount of Rs 2.12 lakhs and also considering that petitioners' wife is suffering from Cancer, the writ petition is **disposed of** with a direction to the respondent no. 2 i.e. Managing Director, Uttar Pradesh Co-Operative Sugar Factories Federation Ltd, lucknow to ensure that the retiral dues of the petitioner are paid to him expeditiously within a period of three weeks from today.

9. The petitioner is granted liberty to challenge the order dated 15.12.2023 before appropriate court in appropriate proceedings.

Order Date :- 20.12.2023
J.K. Dinkar