

Court No. - 20

Case :- WRIT - A No. - 9797 of 2023

Petitioner :- B.N. Verma

Respondent :- State Of U.P. Thru. Secy. Revenue Lko And 2 Others

Counsel for Petitioner :- Dinesh Chandra Vaish, Dileep Kumar Pathak

Counsel for Respondent :- C.S.C.

Hon'ble Manish Mathur, J.

1. Heard learned counsel for petitioner and learned State Counsel for opposite parties.

2. Learned counsel for petitioner submits that earlier petitioner had filed Writ Petition No. 1818 (S/S) of 1992 challenging order dated 06.01.1992 whereby petitioner had been dismissed from service. The said petition was allowed by means of judgment and order dated 04.11.2011 setting aside order impugned and remanding the case back to the opposite parties for decision in accordance with law after giving opportunity of hearing to petitioner.

3. It is submitted that since a time frame had been indicated for conclusion of such proceedings, the same were thereafter extended vide order dated 25.01.2012 whereafter the opposite parties passed order dated 21.03.2012 deducting 40% of petitioner's pensionary benefits. It is submitted that aforesaid order has not been challenged by petitioner till date and subsequently the opposite parties have passed order dated 28.01.2021 rejecting his representation for payment of salary with allowances for the period of suspension.

4. It is therefore submitted that since by means of aforesaid orders, only a deduction of 40% from petitioner's pension has been directed, it would necessarily follow that petitioner would be entitled to 60% of his benefits as has already been directed vide order dated 21.03.2012 and reiterated vide order dated 28.01.2021.

5. It has been further submitted that once direction for deduction of 40% of pensionary benefits had already been passed by the opposite parties in the year 2012, remaining amount should have been paid within a reasonable time period and petitioner should not have been forced to come this Court

again after 10 years particularly when the said deduction was reiterated vide order dated 28.01.2021.

6. Learned counsel for petitioner on the basis of instructions submits that petitioner does not wish to challenge the orders whereby 40% deduction from pensionary benefits has been directed and is restricting his prayer for a direction to opposite parties to make payment of remaining 60% pensionary benefits.

8. Learned State Counsel has not been provided any instructions till date.

9. Upon consideration of submissions advanced by learned counsel for parties and perusal of material on record, it is evident that vide order dated 21.03.2012, 40% deduction from pensionary benefits was imposed upon petitioner as a measure of punishment. The same was reiterated vide order dated 28.01.2021 but the petitioner does not wish to challenge the aforesaid two orders and is restricting his prayer for payment of balance 60% of pensionary benefits.

10. It therefore naturally follows that once punishment of 40% deduction from pensionary benefits of petitioner was directed in the year 2012, it was incumbent upon the opposite parties to have made payment of the balance amount within a reasonable time period.

11. In view of aforesaid, opposite party no. 2 i.e. Chairman, Sales Tax Tribunal, Uttar Pradesh, Lucknow is directed to ensure payment of 60 % of remaining pensionary dues of petitioner within a period of six weeks from the date a certified copy of this order is produced before the concerned authority. Since delay in such payment has been caused for no fault on the part of petitioner, the opposite parties are also directed to make payment of 6% per annum interest on such outstanding dues w.e.f. 01.04.2012 till the date of actual payment.

12. Consequently, the petition succeeds and is **allowed** at the admission stage itself. Parties to bear their own cost.

Order Date :- 20.12.2023
Satish