

Court No. - 4

Case :- WRIT - A No. - 12373 of 2024

Petitioner :- Abhijit Roy Choudhury

Respondent :- State Of U.P. Thru. Prin. Secy. Diary Development Lko.
And 2 Others

Counsel for Petitioner :- Vibhanshu Srivastava

Counsel for Respondent :- C.S.C.,Shanker Lal

Hon'ble Rajnish Kumar,J.

Shri Satya Vrat Shukla, Advocate filed 'Vakalatnama' on behalf of respondents no.2 and 3, which is taken on record.

Heard Sri Vibhanshu Srivastava, learned counsel for the petitioner, Sri Ravi Swaroop Tiwari, learned Additional Chief Standing Counsel for the respondent-State and Sri Satya Vrat Shukla, learned counsel for the respondent nos.2 and 3.

Learned counsel for the petitioner submits that the amount of gratuity was paid to the petitioner with a delay but no interest was paid on the same, therefore, the petitioner approached this Court by means of Writ A No.1692 of 2023(Shiv Kant Saxena and others versus State of U.P. & Others) alongwith others. The said writ petition was disposed of by means of the order dated 23.02.2023 with a direction to pay simple interest at the rate of 6% per annum from 30 days after the date of retirement till the date of actual payment. In compliance thereof, the payment of interest has been made but the amount of Rs.59,839/- has been deducted on account of some audit objection during the period of service of the petitioner, which could not have been done, that too without passing any order.

Learned counsel for the respondent nos.2 and 3 submits that the recovery has been made after the order dated 15.06.2023 passed by the Managing Director,PCDF i.e respondent no.3, a copy of which has been provided to the learned counsel for the petitioner.

Learned counsel for the petitioner submits that since the order was not provided to the petitioner, which has been provided to him now, he may be granted liberty to move a representation against the same as no recovery can be made only on the basis of audit objections, which may be directed to be considered by the respondents.

Learned counsel for the respondents have no objection to the request made by learned counsel for the petitioner.

In view of above, the writ petition is **disposed of** with liberty to the petitioner to move representation before the respondent no.3 raising his grievance and in case any representation is moved within a period of two weeks from today, the same shall be considered and disposed of by the respondent no.3 in accordance with law and appropriate order shall be passed thereon within a period of eight weeks thereafter.

Consequences shall follow accordingly as per law.

Order Date :- 19.12.2024
Akanksha Sri.