



IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

THE HON'BLE CHIEF JUSTICE MR. MANOJ KUMAR GUPTA

AND

THE HON'BLE JUSTICE MR. SUBHASH UPADHYAY

Special Appeal No.208 of 2026

Sudhir Kumar Sharma

-----Appellant

Versus

State of Uttarakhand & Ors.

-----Respondent

June 8, 2026

Presence:-

Mr. Navneet Kumar, learned counsel for the appellant through V.C.

Mr. B.P.S. Mer, learned Standing Counsel for the State/respondent nos.1 to 4

JUDGMENT : (per Mr. Manoj Kumar Gupta, C. J.)

1. The present writ petition has been filed assailing the order passed by learned Single Judge dated 05.05.2026, by which WPSS No.1183 of 2024 filed by the appellant (*hereinafter referred to as the 'petitioner'*) has been dismissed.

2. The petitioner had challenged a communication dated 28.03.2023 by the Director, Secondary Education, Uttarakhand, addressed to the Chief Education Officer, Udham Singh Nagar, requiring him to intimate the petitioner that the directions issued by this Court, vide order dated 27.03.2017 in WPSS No.1707/2012 had been duly complied with. The order passed in said writ petition is as follows:-

"However, the fact of the matter is that the petitioner's pensionary/retiral benefits has been released only on 30.06.2011, amounting to Rs.4,97,736/- that too without interest. The right to



get pensionary/retiral benefit is a fundamental right. The respondents have wrongly withheld the petitioner's pensionary/retiral benefit for almost more than 10 years. The reason assigned for delay in releasing the pensionary/reitral benefits is wrong fixation. The petitioner cannot be held responsible for the same. It is for the respondent State to set his house in order.

Accordingly, the writ petition is allowed. The respondents are directed to pay interest @ 9% per annum to the petitioner w.e.f. 30.06.2000 within a period of eight weeks from today, failing which, the petitioner shall be entitled to interest @ 18% per annum till date."

3. It is admitted to the parties that father of the petitioner had retired from government service on 30.06.2000 and his retiral dues were paid on 30.06.2011. The amount paid was ₹ 4,97,738/-. Father of the petitioner raised dispute in WPSS No.1707/2012, regarding non-payment of interest on the retiral dues to him. In that context, the aforesaid order of the writ court dated 27.03.2017 came to be passed.

4. It is also admitted to the parties that pursuant to the said direction, initially interest @ 9% per annum in a sum of ₹ 4,92,759/- was paid to the petitioner on 17.05.2018. It appears that the petitioner raised the issue that payment of interest was not made to his father within eight weeks and therefore he would be entitled to interest @ 18% per annum. The Department accepted the said contention and paid a further sum of ₹ 4,92,759/- on 06.05.2020 towards remaining 9% interest.

5. In the second round of litigation, the petitioner prayed for payment of interest on the interest amount on account of delay



in its payment, meaning thereby that he claimed compound interest, which we find was not granted by the learned Single Judge while passing the order dated 27.03.2017.

6. Although, the writ court had granted liberty to the petitioner to avail the civil remedies but since the petitioner has challenged the said order and insisted for adjudication on the issue, therefore, we have passed the order on merits.

7. Special Appeal is, accordingly, dismissed.

(MANOJ KUMAR GUPTA, C. J.)

(SUBHASH UPADHYAY, J.)

Dated: 08.06.2026

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