Court No. - 5

Case :- WRIT - A No. - 10909 of 2024

Petitioner :- Ranjeet Singh
Respondent :- U.P. Upbhokta Sahkari Sangh Ltd. Thru. Managing Director Lko And And Another
Counsel for Petitioner :- Anilesh Tewari
Counsel for Respondent :- Ayush Chaudhary

Hon'ble Abdul Moin,J.

1. Heard learned counsel for the petitioner and Sri Ayush Chaudhary, learned counsel appearing on behalf of the respondents no. 1 and 2.

2. With the consent of learned counsel appearing on behalf of the contesting parties, the instant writ petition is being finally decided.

3. Instant writ petition has been filed praying for a mandamus commanding the respondents to forthwith release the gratuity and leave encashment benefits with interest from the date of retirement i.e 30.06.2023 upto the date of payment.

4. The contention is that despite the petitioner having retired on attaining the age of superannuation on 30.06.2023, the respondents have failed to release the retiral dues as indicated above and hence the petition.

5. On the other hand, Sri Ayush Chaudhary, learned counsel appearing on behalf of the respondents submits that on account of financial crunch with which the Corporation is seized, the payment of retiral dues was not possible at the time when the petitioner retired from service. However, he states that a schedule has been prepared in order to enable all the retired employees to be paid their dues in a systematic manner.

6. The Court is not impressed with the argument which has raised on behalf of the Corporation inasmuch as it is settled proposition of law that where the dues are payable to an employee, the same cannot be withheld on the ground of financial crunch.

7. Even otherwise, this Court in the case of ***Munna Sharma Vs. State of U.P and Ors passed in Service Single No. 28908 of 2017*** decided on 01.12.2017, a copy of which is part of annexure 3 to the writ petition as affirmed with the dismissal of the Special Appeal Defective No. 554 of 2018 vide order dated 02.11.2018, a copy of which is part of annexure 3 to the writ petition has directed for release of the post retiral dues as permissible and payable as per rules within a specified time.

8. Keeping in view the judgment of this Court in the case of ***Munna Sharma (supra)*** as affirmed with the dismissal of the special appeal, the writ petition is ***disposed of*** with the direction to the respondents to release the remaining post

retiral dues as admissible and payable under the rules within a period of three months from the date of receipt of a certified copy of this order.

9. The interest on the delayed payment shall also be made as per rules and if there is no such provisions under the rules then at the bank rate prevailing at the relevant time.

Order Date :- 21.11.2024
prateek

Digitally signed by :-
PRATEEK ARORA
High Court of Judicature at Allahabad,
Lucknow Bench