HIGH COURT OF UTTARAKHAND, AT NAINITAL

Writ Petition No.395 of 2010 (S/S)

Rajendra Singh Bisht
S/o Sri Govind Singh ... Petitioner

Versus

State of Uttarakhand and others .... Respondents

Dated:- 24th February, 2011

Hon'ble Tarun Agarwala, J.

Heard Mr. Rajendra Dobhal, the learned senior counsel assisted by Mr. D. C. S. Rawat, the learned counsel for the petitioner and Mr. Sudhir Kumar, the learned Brief Holder for the State.

The present writ petition has been filed praying for a writ of mandamus commanding the respondents to make payment of post retiral dues to the petitioner alongwith interest @ 16% per annum.

The petitioner retired on 31.07.2009 from the post of Transport Tax Officer Grade II and was entitled for pensionary benefits. Since the same was not paid, the present writ petition has been filed for the release of GPF amount, 30% arrears of the new pay scale, insurance amount, difference of promotion amount, D.A. arrears, Bonus amount, personal payment of purchasing treasury form, etc.

This court, by an interim order dated 07.06.2010, directed the respondents to make payments as prayed by the petitioner within four weeks or show cause by filing a counter affidavit. Neither the amount was paid to the petitioner nor any counter affidavit was filed. The court, accordingly, by an order dated 13.07.2010 directed, the Regional Transport Officer, Rajpur Road, Dehradun respondent no.3 to be present in person. Based on the aforesaid direction, an affidavit has been filed by respondent no.3 indicating that all the amounts as prayed by the petitioner has been released except 10% of the G.P.F. amount.

No reason has been assigned by the respondents as to why this 10% amount of G.P.F. has not been released. Further, the respondents have stated that the delay in payment of post retiral benefits was due to the departmental procedure. This reason is an afterthought and cannot be taken into consideration as a valid reason for making belated payments. The department knows as to when his employee is going to retire and all the post retiral dues should be prepared before the date of retirement so that the post retiral dues are paid when an employee retires from service. Since the post retiral dues has been paid belatedly, the petition is disposed of directing the respondent no.3 to release 10% of the G.P.F. amount within four weeks from the date of production of a certified copy of the order. Further, the interest on delayed payment from the date of due till the date of payment shall also be paid by the respondent no.3 within the same period at the rate of six percent per annum.

(Tarun Agarwala, J.)

Dated 24.02.2011
Rawat