

**IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL**

**Writ Petition (S/B) No. 494 of 2015**

Lalita Prasad Tewari	.....	Petitioner
Versus		
Uttarakhand Payjal Sansadhan Vikas Evam Nirman Nigam	.....	Respondent

**Writ Petition (S/B) No. 495 of 2015**

Hansa Datt Pathak	.....	Petitioner
Versus		
Uttarakhand Payjal Sansadhan Vikas Evam Nirman Nigam	.....	Respondent

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**Writ Petition (S/B) No. 496 of 2015**

Lalit Mohan Joshi	.....	Petitioner
Versus		
Uttarakhand Payjal Sansadhan Vikas Evam Nirman Nigam & another	.....	Respondents

Mr. Bhagwat Mehra, Advocate for the petitioners.  
Mr. D.S. Patni, Advocate for the respondent corporation.  
Mr. Pradeep Joshi, Standing Counsel for the State.

**JUDGMENT**

**Coram: Hon'ble K.M. Joseph, C.J.  
Hon'ble V.K. Bist, J.**

**Dated: 30<sup>th</sup> November, 2015**

**K.M. JOSEPH, C.J. (Oral)**

Since all the three writ petitions raise similar issues, they are being disposed of by this common judgment.

2. Petitioners were the employees of the respondent Corporation. They have retired. The complaint is that the retirement benefits due to them have not been paid. The benefits include commutation, leave encashment and other benefits.

3. We have heard Mr. Bhagwat Mehra, learned counsel for the petitioners; Mr. D.S. Patni, learned counsel for the respondent Corporation; and Mr. Pradeep Joshi, learned Standing Counsel for the State.

4. Mr. D.S. Patni, learned counsel for the respondent Corporation, does not actually dispute the liability; but, he does not of course agree to the exact amount due. His main contention is paucity of funds. He would further submit that in fact the Corporation has moved the Government and repeated demands were made. Mr. Pradeep Joshi, learned Standing Counsel appearing for the State, would in fact submit that the Corporation has to pay from its own funds and there is no obligation on the Government.

5. The petitioners are retired employees and we feel that it will be unfair to deprive them of the benefits. After hearing the learned counsel for the parties, we dispose of all the three writ petitions as follows:

- (i) Within a period of two months from today, the amount of leave encashment be paid to the petitioners.
- (ii) Within a period of five months from today, the amount due by way of commutation of pension be paid to the petitioners.
- (iii) The balance amount due by way of other benefits be paid to the petitioners within a period of seven months from today.
- (iv) We also direct that, if the Corporation has moved the Government of Uttarakhand seeking funds for the payment of the said amounts, the Government of Uttarakhand will consider the said request in accordance with law at the earliest.

**(V.K. Bist, J.)**  
30.11.2015

**(K.M. Joseph, C.J.)**  
30.11.2015