

Hon'ble Lok Pal Singh, J.

Mr. Lalit Samant, Advocate for the petitioner.

Ms. Anjali Bhargava and Mr. P.C. Bisht, Addl. C.S.C. with Mr. N.P. Sah and Mr. Sushil Vasistha, Standing Counsel for the State.

Mr. Gopal K. Verma, Addl. C.S.C. for the State of U.P.

By means of present writ petition, petitioner has sought following relief:

“Issue a writ, order or direction in the nature of mandamus directing to the respondents to count the tenure of service of the petitioner since the date of his initial appointment in the department and pay him the entire service benefit as well as retiral benefits including pension and gratuity.”

It is the contention of learned counsel for the petitioners that the petitioner was engaged as typist on daily wager/Seasonal worker in the Forest Department and continued to serve the department till he attained the age of superannuation. The grievance of the petitioner is that after retirement, respondent Department is not paying retiral benefits to the petitioner. Learned counsel for the petitioner would submit that since the petitioner retired from the Department after attaining the age of his superannuation, therefore, he is entitled to all post retiral dues but such benefit was not given to him.

Learned counsel for the petitioners states that the matter is covered by the decision of the Hon'ble Supreme Court in the case of Prem Singh v. State of Uttar Pradesh and Others, reported in (2019) 10 SCC 516. The relevant paragraph of the above decision reads as under :-

"In view of reading down Rule 3(8) of the U.P. Retirement Benefits Rules, 1961, we hold that services rendered in the work-charged establishment shall be treated as qualifying service under the aforesaid rule for grant of pension. The arrears of pension shall be confined to three years only before the date of the order. Let the admissible benefits be paid accordingly within three months. Resultantly, the appeals filed by the employees are allowed and filed by the State are dismissed."

Learned Government pleader appearing for the State does not dispute the submission of learned counsel for the petitioner.

Consequently, the writ petition is allowed. Respondents/authorities concerned are directed to consider the claim of the petitioner, in accordance with law, as expeditiously as possible preferably within a period of three months from today.

Pending applications stand disposed of accordingly.

(Lok Pal Singh, J.)

28.11.2020

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