

SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS						
	30.07.2021		<p>WPSS No. 937 of 2021</p> <p><u>Hon'ble Sharad Kumar Sharma, J.</u></p> <p>(Via Video Conferencing)</p> <p>Mrs. Rangoli Purohit, Advocate, for the petitioner.</p> <p>Mr. P.S. Bisht, Addl. CSC, for the State of Uttarakhand.</p> <p>Mr. Bhupendra Singh Bisht, Advocate, for the private respondent.</p> <p>The petitioner to the present writ petition has contended that he was working with the respondent and had attained the age of superannuation w.e.f. 31.01.2021 and has retired from the post of Work Agent.</p> <p>The grievance of the petitioner, as it has been raised in the writ petition, is on account of an inaction on the part of the respondents for non release of the retiral dues, which according to the petitioner as per the communication of the respondents, vide their letter dated 22.03.2021, they have already sanctioned the gratuity as well as the leave encashment by the letter No. 64 of 2020-21. The amount of claim towards the gratuity and leave encashment has been detailed by the petitioner in para 8 of the present writ petition, which is extracted hereunder:-</p> <p>“8. That the details of petitioner’s retiral benefits which are still outstanding are as follows:-</p> <table><tr><td>A. Gratuity</td><td>Rs. 8,25,552/-</td></tr><tr><td>B. Leave Encashment (300 days)</td><td>Rs. 5,15,970/-</td></tr><tr><td>Total</td><td>Rs. 13,41,522/-”</td></tr></table> <p>The learned counsel for the petitioner further submits that apart from the fact that the amount claimed is a statutory benefit, the petitioner would also be entitled to receive the same, because there is no controversy persisting pertaining to entitlement of the petitioner, in view of the correspondence dated 22.03.2021, coupled with the fact that the issue stands covered by the judgment of the Division Bench, rendered in a bunch of Writ Petitions with leading Writ Petition (S/B) No. 494 of 2015, Lalita Prasad Tewari Vs. Uttarakhand</p>	A. Gratuity	Rs. 8,25,552/-	B. Leave Encashment (300 days)	Rs. 5,15,970/-	Total	Rs. 13,41,522/-”
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			<p><i>Payjal Sansadhan Vikas Evam Nirman Nigam</i>, as decided by the Division Bench on 30.11.2015, which was subsequently followed by this Court also in Writ Petition (S/S) No. 73 of 2019, <i>Kailash Chandra Naudiyal Vs. State of Uttarakhand and another</i>, as decided on 10.01.2019.</p> <p>This fact that the issue stands covered by the aforesaid judgment is not in controversy at the hands of the respondents.</p> <p>In that eventuality, this writ petition too would stand disposed of and the amount, as claimed by the petitioner, payable towards the gratuity and leave encashment would be remitted to the petitioner within the time slot as it has been provided in para 5 of the judgment dated 30.11.2015 of the Division Bench.</p> <p>Subject to above directions, the writ petition stands disposed of.</p> <p style="text-align: right;">(Sharad Kumar Sharma, J.) 30.07.2021</p> <p>Mahinder/</p>
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