

SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS									
			<p>WPSS No. 1730 of 2021 With WPSS No. 1731 of 2021 <u>Hon'ble Sharad Kumar Sharma, J.</u></p> <p>Mr. K.K. Harbola, Advocate, for the petitioner.</p> <p>Mr. Rakesh Kunwar, Addl. C.S.C. for the State of Uttarakhand.</p> <p>Mr. Bhupendra Singh, Advocate, for respondent No.2.</p> <p>These are two Writ Petitions, which entail consideration of a common question of fact and law, as well as the implications of the judgement rendered by the Division Bench, as well as Coordinate Benches of this Court, which are relied by the petitioners in support of their case.</p> <p>The factual difference are :-</p> <p>In Writ Petition No. 1730 of 2021, the petitioner, who was working as a Work Supervisor with the respondents, had attained the age of superannuation on 31st August, 2021. The grievance of the petitioner is that his retiral benefits, as it has been detailed in para 7 of the Writ Petition, which is extracted hereunder, despite of due sanction being granted by the letter No. 396/C.R.No.888 dated 30th October, 2021, and letter No. 331/C.R. No.824 dated 22nd March, 2021, has not been remitted despite of the fact that the petitioner had been consistently raising his claim before the respondent. Para 7 is quoted hereunder :-</p> <table><tr><td>A.</td><td>Gratuity</td><td>Rs.8,38,451/- (approx) (sanctioned but not paid)</td></tr><tr><td>B.</td><td>Leave Encashment (300 days)</td><td>Rs.5,15,970/- (approx) (sanctioned but not paid)</td></tr><tr><td>C.</td><td>Exgratia of year 2020-21</td><td>Rs.6,908/- (approx) (sanctioned but</td></tr></table>	A.	Gratuity	Rs.8,38,451/- (approx) (sanctioned but not paid)	B.	Leave Encashment (300 days)	Rs.5,15,970/- (approx) (sanctioned but not paid)	C.	Exgratia of year 2020-21	Rs.6,908/- (approx) (sanctioned but
A.	Gratuity	Rs.8,38,451/- (approx) (sanctioned but not paid)										
B.	Leave Encashment (300 days)	Rs.5,15,970/- (approx) (sanctioned but not paid)										
C.	Exgratia of year 2020-21	Rs.6,908/- (approx) (sanctioned but										

					not paid)
	D.	Dearness allowance (4% to 5% Rs.1110/-, 4% to 6% Rs.1110/-, 5% to 7% Rs.762/-, 7% to 9% Rs.762/-, 9% to 12% Rs.6240/-, 12% to 17% Rs.6240 and 125% to 132% Rs.980/-			Rs.17,204/- (approx) (sanctioned but not paid)
		Total Amount			13,78,533/-
	<p>In the connected Writ Petition No. 1731 of 2021, the petitioner, who is a widow of late employee Mr. Dharmendra Kumar, who was working with the respondent as Chaukidar and he died in harness on 17th April 2020. The grievances of the petitioner is that the retiral benefits, which has been detailed in para 7 of the Writ Petition, which is extracted hereunder, has not been remitted to her despite of the due sanction having being granted by the respondent vide their letter No. 323/C.R.No.783 dated 22nd March, 2021, as well as the sanction granted for the leave encashment vide bill No. 6 of 2021-22, bill No. 133 of 2021 and letter No. 1854/v anu E-3/82 dated 2nd August 2018, but still the same has not been remitted. Para 7 is quoted hereunder :-</p>				
	A.	Gratuity			Rs.6,17,760/- (approx) (sanctioned but not paid)
	B.	Leave Encashment (300 days)			Rs.1,15,315/-/- (approx) (sanctioned but not paid)
	C.	Arrears of 7 th Pay Commission			Rs.30,945/- (approx) (sanctioned but not paid)
	D.	Dearness allowance			Rs.9,052/- (approx) (sanctioned but not paid)
		Total Amount			7,73,072/-
	<p>The learned counsel for the petitioner has submitted that the sanctioned amount of the retiral benefits, as it has been detailed in the Writ Petitions, as well as in the relief clause, the payability of it and entitlement are not disputed, in view of the sanction</p>				

			<p>letters already issued in their favour, coupled with the fact, that the issue stand covered by the judgement of the Division Bench dated 20th November, 2015, as rendered in the bunch of Writ Petitions, with the leading Writ Petition (S/B) No. 494 of 2015, Lalita Prasad Tewari Vs. Uttarakhand Payjal Sansadhan Vikas Evam Nirman Nigar, which was subsequently followed by this Court too in Writ Petition, being Writ Petition No. 73 of 2019 (S/S), Kailash Chandra Naudiyal Vs. State of Uttarakhand and another, as decided on 10th January, 2019.</p> <p>Hence, this Writ Petitions two would stand disposed of under the same terms and conditions; with a writ of mandamus being issued to the respondents to pay the retiral benefits as claimed by the petitioners within a period, as specified in the judgement of the Division Bench of this court.</p> <p style="text-align: right;">(Sharad Kumar Sharma, J.)</p> <p>Dated 31.12.2021 Shiv</p>
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