

Court No. - 17

Case :- WRIT - A No. - 41289 of 2017

Petitioner :- Anil Kumar Sharma

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Akank Kumar Jain

Counsel for Respondent :- C.S.C.

Hon'ble Pradeep Kumar Singh Baghel,J.

The petitioner has instituted this writ petition seeking a direction upon the second respondent to make payment of his terminal benefits.

It is stated that petitioner was initially appointed as assistant clerk in the year 1993. Later he was promoted to the post of Head clerk. He reached the age of superannuation on 30.4.2017.

I have heard learned counsel for the petitioner and learned standing counsel.

Learned counsel for the petitioner submits that petitioner is also entitled for interest on the delayed payment of his retiral dues.

Having due regard to the fact that petitioner is a retired employee and his retiral dues have not yet been paid, in my view, the ends of justice would be subserved by issuing a direction upon the second respondent to consider cause of the petitioner and take appropriate decision in accordance with law expeditiously within two months from the date of communication of the order. The petitioner is permitted to file a fresh representation before the second respondent within ten days alongwith certified copy of the order. The second respondent shall pay regard to the fact that there should not be any loss of time in payment of retiral dues and in case delay occurs, the retired employee becomes entitled for interest also on the delayed payment as held by the Supreme Court in **State of Kerala and others v. M. Padmanabhan Nair**, AIR 1985 SC 356 and this Court in **Mukti Nath Rai v. State of U.P. and others**, (1992) 1 UPLBEC 674, which have consistently been followed.

With the above direction, the writ petition stands finally disposed of. No order as to costs.

Order Date :- 7.9.2017

SNT/