

**BEFORE THE UTTARAKHAND PUBLIC SERVICES TRIBUNAL
AT DEHRADUN**

ORDER

IN

CONTEMPT PETITION NO. C-09 /SB/2025

Sri Kumiya **vs.** Secretary (Forest Department), State of Uttarakhand,
and three others.

DATED: 10.07 2025

Present: Sri Abhishek Chamoli & Sri Hardik Rawat, Advocates,
for the petitioner-applicant.
Sri V.P. Devrani, A.P.O., in assistance of the Tribunal.

Sri Avnish Gupta, Legal Advisor, Uttarakhand Forest Department and
Sri Om Narayan Mishra, Head Assistant, Chakrata Forest Division, Kalsi,
Dehradun, are present in person before the Bench.

A time schedule has been given in the U.P. Pension Cases (Submission, Disposal and Avoidance of Delay) Rules, 1995. It appears that no such time Schedule has been followed by the respondent department in the case of petitioner, in so far as gratuity/final pension is concerned.

Hon'ble Apex Court has stated in the decision of **State of Kerala and others vs. M.Padmanabhan Nair, 1985 (1) SLR 750**, that since the date of retirement of every Government servant is very much known in advance, why the process of collecting the requisite information and issuance of relevant documents should not be completed well in advance before the date of retirement so that the payment of gratuity amount could be made to the Government servant on the date he retires or soon thereafter pension at the expiry of the following month.

If there is culpable delay in settlement of gratuity, pension claims of the employee, there is a provision in Government Order dated 10.08.2004 itself that the employee should be given interest on delayed payment of retiral dues as per prevalent GPF rate. Although, higher interest rate could also be

awarded, but since there is a G.O., therefore, it will be safer to decide the interest part as per G.O., so that the State Department may not deny the same and do not cause further delay in such payment.

It has been observed by the Hon'ble Apex Court, in the decision of **S.K.Dua vs. State of Haryana and Another (2008)1 Supreme Court Cases (L&S) 563**, that the employee is entitled to the interest on the amount which had been withheld by the respondent department and was paid to him after considerable delay.

In the decision rendered in Civil Appeal No. 7113 of 2014, **D.D. Tiwari (D) vs. Uttar Haryana Bijli Vitran Nigam Ltd. & Others, 2014 (5) SLR 721**, Hon'ble Supreme Court has observed that the employee is legally entitled to interest on delayed payment of pension and gratuity.

The Tribunal, in the decision rendered in **Ramnarayan Singh vs. State of Uttarakhand, 2019(1) UD 698**, directed that difference in the amount of gratuity along with admissible interest should be paid as per G.O. dated 10.08.2004.

In the instant case, the petitioner retired on 31.10.2022. It is an admitted fact that the pension was released to him in December 2024. It is also admitted that remaining amount of gratuity worth Rs.1,34,331/- was released to him only in December, 2024. GPF was paid to him in time; GIS was released to him in time and leave encashment was also paid to him within time. It is also admitted that a sum of Rs.7,85,567/- was never recovered from the petitioner, therefore, there is no question of granting interest on such amount. It may be noted here that the petitioner was entitled to Gratuity of Rs.9,19,908/-, out of which Rs.7,85,567/- was already paid to him (although as excess amount), and Rs.1,34,331/- remained to be paid to him, which was actually paid to him in December, 2024.

The petitioner is, therefore, entitled to interest on delayed payment of gratuity and pension between 31.10.2022 and December, 2024, as per the G.O. dated 10.08.2004.

Sri Avnish Gupta, Legal Advisor, Uttarakhand Forest Department, and Sri Om Narayan Mishra, Head Assistant, Chakrata Forest Division, Kalsi undertake that remaining amount shall be paid to the petitioner as expeditiously as possible, without unreasonable delay and in any case within three months from today. In such a situation, Sri Avnish Gupta submitted that contempt notice issued to Sri Abhimanyu Singh, Divisional Forest Officer, Chakrata Forest Division, Chakrata, may kindly be discharged.

When undertaking has been given by Sri Avnish Gupta, Legal Advisor, Uttarakhand Forest Department and Sri Om Narayan Mishra, Head Assistant, Chakrata Forest Division, Kalsi, that remaining retiral dues shall be paid to the petitioner, as expeditiously as possible and in any case within three months, the Tribunal deems it proper to accept the prayer of Sri Avnish Gupta.

Notice issued to Sri Abhimanyu Singh, Divisional Forest Officer, Chakrata Forest Division, Chakrata, is, accordingly, discharged. Contempt petition is closed.

If interest on delayed payment of gratuity/ pension is not released within time, the Tribunal may be constrained to seize the Bank Account of DFO Chakrata.

(ARUN SINGH RAWAT)
VICE CHAIRMAN (A)

(JUSTICE U.C.DHYANI)
CHAIRMAN