

**BEFORE THE UTTARAKHAND PUBLIC SERVICES TRIBUNAL
BENCH AT NAINITAL**

Present: Hon'ble Mr. Justice U.C. Dhyani

----- Chairman

Hon'ble Capt. Alok Shekhar Tiwari

----- Member (A)

CLAIM PETITION NO. 28/NB/DB/2025

Sri Govind Nath, aged about 66 years, S/o late Sri Bachi Nath, R/o
Ward No. 2, Dak Banglow, Bhimtal, Nainital.

.....Petitioner

versus

1. State of Uttarakhand through its Secretary, Rural Works Department, Government of Uttarakhand, Dehradun.
2. Chief Engineer (Level-1)/ Head of Department, Rural Works Department, Uttarakhand, Dehradun.
3. Executive Engineer, Rural Works Department, Nainital Division, situated at Vikas Bhawan, Bhimtal, District Nainital.
4. Director, Lekha Evam Haqdari, Uttarakhand, 23 Laxmi Road, Dalanwala, Dehradun.
5. Additional Director, Treasury, Pension and Entitlement, Camp Office, Haldwani, District Nainital.

..... Respondents

Present: Sri Bhagwat Mehra, Advocate, for the Petitioner
Sri Kishore Kumar, A.P.O., for the Respondents

JUDGEMENT

Dated: 18TH AUGUST, 2025

Justice U.C. Dhyani (Oral)

By means of present claim petition, petitioner seeks
following reliefs:

“A. To set aside the impugned pension payment order dated 08-06-2020 issued by the Respondent No. 5, in so far as it relates to withholding of amount of Rs. 13,98,363/- from the Gratuity of the petitioner (Annexure No. 2 to Compilation No. I).

B. To set aside the impugned pay re-fixation order dated 05-03-2020 issued by the Respondent No. 3 (Annexure No. 1 to Compilation No. I).

C. To declare the action of the Respondents in revising the Pay Fixation and making the recovery from the petitioner, as arbitrary and illegal.

D. To direct the Respondents, particularly Respondent No. 2 and 5 to forthwith release the withheld/recovered amount of Rs. 13,98,363/- to the petitioner, alongwith the interest at a rate to be specified by this Hon'ble Tribunal.

E. To direct the Respondents to pay interest on the delayed payment of pension amount as well as amount of gratuity (reduced) for a period of 17 months i.e. for the period January, 2019 to June, 2020, at a rate to be specified by this Hon'ble Court.

F. To direct the Respondents, to grant all consequential benefits to the petitioner.

G. To pass any other suitable order as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case.

H. To allow the claim petition with cost.”

2. Petitioner retired as Assistant Engineer, Rural Works Department, Nainital Division on attaining the age of superannuation on 31.12.2018. His retiral dues were not paid on time despite representation. He has filed present petition for interest on delayed payment and refund of the amount recovered from his salary of the month of September and October, 2018 without notice to him. Affidavit and relevant documents have been filed in support of the petition.

3. Separate counter affidavits have been filed on behalf of the respondents. Sri Vivek Swaroop, Additional Director, Treasury, Pension and Entitlement has filed counter affidavit on behalf of respondents no. 4 and 5.

3.1 Sri Kundan Singh Adhikari, Assistant Engineer, Rural Works Department, has filed counter affidavit on behalf of respondents no. 1 to 3 along with documents.

3.2 It has been stated, among other things, that correspondence is being done with the treasury at Nainital to refund a sum of Rs. 13,98,363/- recovered from the retiral dues of the petitioner. According to the C.A., filed on behalf of respondent department (R.W.D.), necessary action is to be taken by the treasury at Nainital for refund of such amount. Detailed parawise reply has been filed in this regard.

3.3 Counter affidavit, filed on behalf of respondents no. 4 and 5, on the other hand, mentions that the delay in refund of Rs. 13,98,363/- has been caused at the level of respondents no. 2 and 3.

3.4 Respondents are passing the buck on each other. They are shifting the blame on each other, pleading that they are not responsible for delays.

4. Rejoinder affidavit has been filed on behalf of the petitioner reiterating the facts contained in the petition. Reliance has been placed on the decision rendered by the Hon'ble Apex Court on 04.04.2025 in Civil Appeal arising out of SLP No. 5918/2024, Jogeshwar Sahoo and others vs. the District Judge Cuttack and others and the decision rendered by the Tribunal on 17.05.2025 in claim petition no. 48/NB/DB/2024, Sri Prakash Chandra Tiwari vs. State of Uttarakhand and others.

5. It is the submission of Sri Bhagwat Mehra, learned Counsel for the petitioner that respondents no. 1 to 3 are ready to make refund of Rs. 13,98,363/-. Sri Bhagwat Mehra submitted on the basis of para 5 of C.A., filed on behalf of respondents no. 1 to 3, that the Chief Engineer (Level-1), Rural Works Department sent a letter dated 03.01.2025 to Director, Treasury, Pension and Entitlement to direct the Treasury Officer at Nainital to pay the amount recovered from the retiral dues of the petitioner. On the said letter of Chief Engineer, the Chief Treasury officer objected to the payment of the said bill and informed the Chief Engineer to present

the bill with a copy of the judgement of the Tribunal (only then the amount will be refunded to the petitioner). A direction may, therefore, be given to the respondents no. 4 and 5 to refund a sum of Rs. 13,98,363/- to the petitioner without unreasonable delay.

6. Sri Bhagwat Mehra, learned Counsel for the petitioner, also submitted that the petitioner should also be given interest on delayed payment of retiral dues. He submitted that there has been delay in payment of such dues from January, 2019 to June, 2020. Petitioner retired on 31.12.2018.

7. The Tribunal finds, on the basis of documents brought on record, that there has been delay in payment of release of retiral dues of the petitioner.

8. The question is, what should be the rate of interest on delayed payment of retiral dues? The Tribunal finds that there is an order issued by the Govt. on 10.08.2004, which itself says that the interest on delayed payment of retiral dues shall be payable as per prevalent GPF rates.

8.1 The petitioner is, therefore, entitled to the interest on delayed payment of retiral dues as per prevalent GPF rates as per G.O. dated 10.08.2004.

9. The petition is disposed by directing the respondent treasury to refund a sum of Rs. 13,98,363/- which was recovered from the retiral dues of the petitioner and respondent department is directed to pay interest on delayed payment of retiral dues as per G.O. dated 10.08.2004, as expeditiously as possible, without unreasonable delay. No order as to costs.

(CAPT. ALOK SHEKHAR TIWARI)
Member (A)

(JUSTICE U.C. DHYANI)
CHAIRMAN

DATE: 18th August, 2025
DEHRADUN
RS