

Claim Petition No. 07/NB/DB/2020

**Vinod Kumar Pandey
Vs.
State of Uttarakhand & others**

Dated: 16.01.2023

This claim petition had been filed praying for the following reliefs:

I. To set aside the impugned order dated 20.05.2019 of respondent no. 2 and 27.08.2019 of respondent no. 3 where the pay scale of the petitioner was downwardly revised to grade pay Rs. 6600 per month.

II. To direct the respondents to pay all arrears and dues with 12% interest per year from the due date.

III. Award the cost of the petition."

In the written argument dated 07.11.2022 filed by the petitioner, it has been stated that the respondent no. 1 issued Govt. Order dated 27.08.2021 and subsequent order dated 02.09.2021 of the Managing Director of the respondent corporation (UFDC) issued direction to release the entire retiral dues of the petitioner after fixation of the Grade Pay of the petitioner at Rs. 87,00/-. The prayer no. 1 of the claim petitioner has become infructuous but the prayer no. 2 regarding payment of interest on the retiral dues is still alive and is being pressed by the petitioner in the claim petition. During pendency of the claim petition, the petitioner also filed a Criminal Misc. Application under Section 340 read with Section 195 of the CrPC and this application is also being pressed by the petitioner, which should be decided on its own merits. The petitioner has also demanded to be compensated for his mental harassment by the respondent corporation.

When the Counter Affidavits were filed by the respondents, the grade pay of Rs. 87,00/- was not sanctioned to the petitioner and the Counter Affidavits also state that the petitioner has been paid all the dues within time and he has been paid excess payment of money due to misinterpretation of the Govt. Orders which is to be recovered from the petitioner and the claim petition was demanded to be dismissed with costs.

After the change of the stance of the respondents by granting the Grade Pay of Rs. 87,00/- to the petitioner and subsequent payment of the retiral dues accordingly, the questions of payment of interest on delayed payment of retiral dues etc. have become relevant. In the interest of justice, the respondents should be given an opportunity to explain by way of filing additional Counter Affidavits, as to why the interest on delayed payments should not be granted as well as their final response to the Criminal Misc. Application under Section 340 read with Section 195 of CrPC and the demand for compensation for the mental harassment of the petitioner. A copy of the written argument dated 07.11.2022 filed by the petitioner may be provided to learned Counsel for the respondents for filing Additional Counter Affidavits/response as above by 22.02.2023. This order may be uploaded on the website of the Tribunal and the parties may also be informed accordingly.

List on 22.02.2023.

RAJEEV GUPTA
VICE CHAIRMAN(A)
KNP

RAJEDNRA SINGH
VICE CHAIRMAN (J)