

## **Chief Justice's Court**

**Case :-** SPECIAL APPEAL DEFECTIVE No. - 344 of 2020

**Appellant :-** Nagar Palika Parishad Sitapur Thru Chairman & Anr.

**Respondent :-** State Of U.P.Thru Secy.Nagar Vikas Deptt. Lko & Ors.

**Counsel for Appellant :-** Rajiv Raman Srivastava

**Counsel for Respondent :-** C.S.C.

**Hon'ble Govind Mathur,Chief Justice**

**Hon'ble Ramesh Sinha,J.**

This appeal is barred by limitation from 114 days. However, ignoring the same, we have looked into merits of the case.

This appeal is preferred to assail validity of the order dated 24th July, 2020 passed by learned Single Bench in Service Single No. 11595 of 2020. Under the order impugned, learned Single Bench directed the appellant-respondent to release all post retiral benefits of the respondent-petitioner with interest at the rate of 8% per annum.

It is submitted by learned counsel appearing on behalf of the appellants that during the period concerned, the appellants have not received aid from the State and, therefore, the retiral benefits were not released.

We do not find any merits in the argument advanced. It is a fact admitted that despite entitlement, retiral benefits were not released by the appellants, may that be because of non-receipt of aid from the State but that cannot be a reason to deny pensionary benefits to a retired employee. It was obligatory upon the appellants to finalise complete pension case of the respondent-petitioner on the date he retired from service on attaining the age of superannuation. The appellant-respondent if failed to do so, then for that the employee concerned cannot be

penalised by denying his pension.

In our considered opinion, no error has been committed by learned Single Bench in awarding interest at the rate of 8% per annum on the due retiral benefits.

The appeal, hence, is dismissed.

**Order Date :- 4.1.2021**

VMA

**(Ramesh Sinha, J.)      (Govind Mathur, C.J.)**