

RESERVED

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A NO. 16300 OF 2024

Pramod KumarPetitioner

Versus

State of U.P. and othersRespondents

Appearance :-

For Petitioner : Mr. Dinesh Kumar, Advocate

For Respondents : Ms. Monika Arya, Additional Chief
Standing Counsel for respondent Nos.
1, 2 & 3

Mr. Harsh Vardhan Gupta, Advocate
for respondent Nos. 4 & 5

HON'BLE J.J. MUNIR, J.

This writ petition is directed against an order passed by the Executive Officer, Nagar Palika Parishad, Seohara, District Bijnor dated July the 3rd, 2024, declining to pay interest on the belated disbursement of post-retiral benefits to the petitioner.

2. The petitioner was a Revenue *Moharir* in the employ of the Nagar Palika Parishad, Seohara, Bijnor¹. His date of birth is 01.06.1959. On 15.02.1977, he was appointed a *Naib Moharir* with the Nagar Palika. He was appointed for a period of two months on a temporary basis *vide* order

1 'Nagar Palika' for short

dated 15.02.1977 passed by the Chairman of the Nagar Palika, under Section 70 of the Uttar Pradesh Municipalities Act, 1916². After the petitioner completed the period of two months with effect from 15.04.1977, his employment was not extended. On 16th of April, 1977, upon an application made by the petitioner, he was appointed again to the post of a *Naib Moharir* for two months on a temporary basis. This time he was permitted to work until the month of December, 1977.

3. Eschewing unnecessary detail, all that deserves to be noticed is that the petitioner was regularized in service by an order of the Executive Officer of the Nagar Palika dated 09.05.1982, with effect from 01.06.1982. The petitioner discharged his duties regularly thereafter. On 09.01.2018, the Sub-Divisional Magistrate, Tehsil Dhampur, Bijnor, directed the Executive Officer to conduct an inquiry against the petitioner into a complaint dated 02.01.2018, addressed by one Sushil Kumar Verma to the Chief Minister on the *jansunwai* portal. The complaint was that the petitioner was appointed before attaining the age of 18 years. These complaints are said to be repeated and were disposed of. Still another inquiry was made by the *Naib Tehsildar*, Seohara, Dhampur, where an inquiry report dated 19.03.2018 was made, finding that the first *ad hoc* appointment of the petitioner on the post of *Naib Moharir* was made on 15.02.1977, when he was aged 17 years 8 months and 14 days. The Sub-Divisional Magistrate, Dhampur, on 28.03.2018, made a recommendation that appropriate action be taken by the competent authority on the basis of the *Naib Tehsildar*'s inquiry report dated 19.03.2018. Relying upon the Sub-Divisional Magistrate's report, the Executive Officer passed an order of suspension dated 23.08.2018.

4. Two months afterwards i.e. on 05.11.2018, a charge-sheet was served upon the petitioner, carrying five charges. The petitioner filed his reply to the charge-sheet on 01.12.2018, together with documents in

2 'Act of 1916' for short

support of his defence. The Junior Engineer, Nagar Palika Parishad, Seohara was appointed the Inquiry Officer. He served a notice upon the petitioner dated 10.01.2019, requiring him to appear on 18.01.2019 at 02:00 p.m. The petitioner appeared in compliance with the notice. The Inquiry Officer, according to the petitioner, perhaps, submitted his report on the basis of proceedings taken on 18.01.2019. On 06.03.2019, the Executive Officer intimated the petitioner that he would retire on 31.05.2019, upon completing 60 years of age. The petitioner says that on 25.04.2019, he submitted an application to the Executive Officer to take a decision in the disciplinary matter, because the Inquiry Officer would have submitted his report and the petitioner was going to retire on 31.05.2019. No heed was paid to the said letter and the disciplinary matter was kept pending. The petitioner retired on 31.05.2019, without a decision being taken in the disciplinary proceedings initiated against him. On 01.07.2019, the petitioner submitted an application to respondent No. 4 to release his pension and the other post-retiral benefits. No action was taken. A period of eleven months passed by since his suspension on 23.08.2018 and more than six months from the date that he appeared before the Inquiry Officer. Still, no final orders were made in the disciplinary matter.

5. The petitioner was compelled to move this Court through a writ petition, being Writ - A No. 12274 of 2019, against the continuing disciplinary proceedings and complaining of the fact that the suspension order was not brought to an end promptly. He sought an expeditious decision in the disciplinary proceeding. This Court, in the writ petition aforesaid, on 20.08.2019, passed the following order, disposing of the petition :

In view of the said admitted facts, suspension order dated 23.8.2018 cannot be allowed to continue in absence of any conclusion of the departmental enquiry on the part of the respondent.

The suspension order dated 23.8.2018 passed by respondent no.5 is set aside to the above extent.

As the petitioner has attained the age of superannuation, he would be treated as reinstated employee subject to the final decision to be taken by the disciplinary authority on the basis of the enquiry report dated 22.2.2019. The release of retiral dues of the petitioner would be subject matter of the final decision of the disciplinary authority which shall be taken, preferably, within a period of one month from the date of submission of certified copy of this order.

The writ petition is **disposed of**.

6. The order dated 20.08.2019 was served in the Office of the Executive Officer on 02.09.2019. Despite service of that order, no final decision, on the basis of the inquiry report, was taken or any of the petitioner's post-retiral dues paid to him. Instead, the petitioner was served with a notice dated 15.11.2019, saying that he had not given complete charge till that day, and on 20.11.2019, the petitioner replied to the letter of 15.11.2019, suitably.

7. Since the disciplinary proceedings were not concluded in compliance with the orders of this Court dated 20.08.2019, passed in Writ - A No. 12274 of 2019, the petitioner was compelled to move Contempt Application (Civil) No. 8269 of 2019 before this Court. This Court issued notice to the contemnors, granting one more opportunity to them to comply with the order within a month. The following order was passed by this Court in the contempt application aforesaid, on 12.12.2019 :

Heard the learned counsel for the applicant.

It is alleged that the order of the writ court has been violated.

From a perusal of the record, a prima facie case for contempt is made out.

Issue notice to opposite party nos. 1 and 2.

The counter affidavit may be filed within the aforesaid period or else charges may be framed after summoning the noticee.

However, one more opportunity is granted to the opposite party nos. 1 and 2 to comply with the order within a month. In case by the next date fixed the directions of the Writ Court are not complied with and an affidavit to that effect is not filed, the opposite party nos. 1 and 2 shall remain present before this Court on the date fixed.

The office may send a copy of this order along with the notice.

List on the date mentioned in the notice.

8. A compliance affidavit was filed on behalf of the contemnor-opposite party, the then Executive Officer, Arudendra Prasad Pandey on 04.02.2020, saying that the petitioner was reinstated and so far as retiral dues were concerned, in case, the petitioner completes the requisite formalities, the Executive Officer would proceed to pass final orders within a reasonable time to pay his post-retiral benefits. It was also said that the admitted dues had already been paid to the petitioner. The petitioner acknowledges that he was paid two cheques dated 23.10.2019, one worth ₹2,09,664, and another, worth ₹45,601. Thereupon, this Court disposed of the contempt application in terms of the following orders passed on 04.02.2020 :

Shri Manu Saxena, Advocate has entered appearance on behalf of opposite party nos.1 and 2 and files affidavit of compliance indicating therein that the applicant has been reinstated in the Department. So far as the retiral and other benefits are concerned, in case the applicant completes the formalities as is required for, definitely the Authority would proceed to pass a final order according the same within reasonable time. So far as the admitted amount is concerned, the same has already been extended in favour of applicant.

In the facts and circumstances of the case, the Court is of the considered opinion that sufficient compliance has been ensured in the matter. To extend final reprieve, it would be appropriate that the applicant shall approach the Department concerned within 10 days from today. In case, the applicant turns up within the said period and submit all relevant papers, definitely the opposite party would proceed to extend all the benefits within two weeks thereafter.

With these observations, the contempt application is ***disposed of***.

9. On 10.02.2020, in compliance with the orders made by this Court in the contempt application, the petitioner went to the Office of the Nagar Palika in order to complete requisite formalities. He moved an application to the Executive Officer to release the arrears of his salary, dues on account of earned leave encashment, gratuity and group insurance, together with interest. It is asserted that nothing was done. On 11.08.2020, the petitioner made an application on the Chief Minister's *jansunwai* portal, bearing number 40013420011998. This complaint was disposed of *vide* letter dated 26.08.2020, saying that the payment of earned leave encashment has already been made. Regarding the payment of pension and gratuity, the papers were being processed, but due to overload of work in the office, it was delayed. About the arrears, it was said that it was not possible due to a stay on all payments imposed by the Government of Uttar Pradesh during the lockdown in consequence of the CoViD-19 pandemic. There was a repeat of events, when the petitioner complained again on the *jansunwai* portal of the Chief Minister on 18.09.2020. The petitioner also made an application to the Director, Local Bodies through registered post, with a prayer to comply with the orders passed in the contempt application and a request to take strict action against the Nagar Palika authorities. The petitioner alleges that the dues of his leave encashment approximate to a sum of ₹4,17,440, but he has been paid under that head on 11.02.2020 a sum of ₹2,54,265. The gratuity and insurance, bonus for the period 2017-18 had not been paid at all. He, therefore, moved Contempt Application (Civil) No. 5076 of 2020 before this Court. This Court issued notice to the opposite party. During the hearing of this contempt application, an affidavit of compliance was filed on 21.10.2021, seeking further time. On 06.09.2022, partial compliance was reported and it was said that the balance would be paid very soon. It was on 16.04.2024 that the respondents said that the entire dues payable

to the petitioner have been made good. The petitioner pressed for award of interest on the belated payment, but the learned Judge hearing the contempt matter did not take cognizance, as there was no direction by this Court on the writ side to pay interest. The contempt notice was, accordingly, discharged. The petitioner then made an application to the Executive Officer and the Chairman of the Nagar Palika to pay him interest on the belated payment of arrears of salary, bonus, leave encashment, gratuity, group insurance and other retiral benefits, with all details. No heed was paid, despite a reminder dated 10.06.2024. Ultimately, by the order impugned dated 03.07.2024, the petitioner's claim for interest was rejected, with a remark that there was no provision for payment of interest on post-retiral benefits to a retired employee.

10. Aggrieved by the order dated 03.07.2024 passed by the Executive Officer, Nagar Palika Parishad, Seohara, Bijnor, the instant writ petition under Article 226 of the Constitution has been instituted.

11. A short counter affidavit was filed on 24.10.2024, to which, the petitioner has filed a rejoinder. Apart from that, in compliance with the orders dated 08.11.2024, three personal affidavits each were filed by the Commissioner, Moradabad Division, Moradabad, the District Magistrate, Bijnor and the Deputy Director, Local Fund Accounts Department, U.P., Moradabad Region, Moradabad.

12. Heard Mr. Dinesh Kumar, learned Counsel for the petitioner, Ms. Monika Arya, learned Additional Chief Standing Counsel on behalf of respondents Nos. 1, 2 & 3, and Mr. Harsh Vardhan Gupta, learned Counsel appearing on behalf of respondents Nos. 4 & 5.

13. Upon hearing learned Counsel for parties and a perusal of the records, this Court is of opinion that there was culpable delay in paying the petitioner's post-retiral benefits on the respondents' part. If an

employee is suspended pending inquiry, with a short time to go until his superannuation, it is the bounden duty of the employer to conclude the disciplinary proceedings well ahead of the employee's retirement. In this case, when the petitioner retired on 31.05.2019, his suspension from service, ordered on 23.08.2018, was still continuing. Obviously, the suspension stood automatically dissolved, upon the petitioner's retirement and severance of employer-employee relationship, a position reinforced by the directions of this Court in Writ - A No. 12274 of 2019. Notwithstanding the fact that the respondents say that the petitioner was not fully exonerated of the charges, a decision was made to pay all his post-retiral dues. This obviously means that the inquiry report, which is one said to be completed on 21.09.2019, but, surprisingly, never placed before this Court, did not hold the petitioner guilty of any such serious charge, where, his entitlement to receive his post-retiral benefits would be in jeopardy. The decision, as aforesaid, according to the respondents, was taken in compliance with this Court's order dated 20.08.2019 passed in the writ petition last mentioned, some three months after the petitioner's retirement. Now, if by August, 2019, it was known to the respondents that they had to pay the petitioner's post-retiral benefits, there is no valid explanation except a lackadaisical and nonchalant approach of the respondents about their obligation to pay these benefits, which led to delay in complete disbursement of the petitioner's dues. The last of the petitioner's dues, according to the Divisional Commissioner, were paid off on 07.09.2022 and, according to the Executive Officer of the Nagar Palika, on 04.09.2022. Between 21.09.2019, when the inquiry against the petitioner was completed, and a decision taken to release his post-retiral dues and the last of payment, that was made on 07.09.2022, there is no explanation worth the name to justify the delay.

14. The stand of the Commissioner of the Division as well as the Deputy Director, Local Fund Accounts Department, U.P., Moradabad

Region, Moradabad has been very insensitive. In paragraphs Nos. 7 to 12 of the Commissioner's affidavit, it is averred :

7. That due to the absence of any conclusive orders on the suspension proceedings, the petitioner subsequently filed Writ Petition No. 12274/2019 before this Hon'ble Court, wherein Hon'ble Court, by order dated 20.8.2019, directed that a final decision be rendered within a month in the matter. Consequently, the Nagar Palika Parishad, Syohara, passed an order on 21.9.2019, concluding the departmental proceedings against the petitioner. Thereafter, the petitioner was expected to fulfill the requisite formalities for the release of pensionary benefits vide notice dated 10.10.2020.

8. That following the completion of requisite formalities, the petitioner's pension file was forwarded to the Deputy Director, Local Fund Audit Department, Moradabad, on 4.3.2020 and in between the payment of earned leave encashment was made to the petitioner on 23.10.2019, and the amount of Group Insurance was subsequently disbursed to him on 03.08.2021.

9. That due to the nationwide lockdown imposed on 25.3.2020 owing to the Covid-19 pandemic, no action could be furthered, and, upon resumption of work after lockdown, a letter was sent to the Deputy Director, Local Fund, on 16.7.2021. The Deputy Director raised objections on 31.7.2021, resulting in the return of the file to the Nagar Palika. After addressing these objections on 13.10.2021, the file was resubmitted to the Deputy Director, who accorded his approval on 21.10.2021. Subsequently, the file was forwarded to the Commissioner's Office through the District Magistrate on 25.10.2021.

10. That the duty to approve the pension file lies upon the Additional Commissioner (Administration), who, by communication dated 8.8.2022, returned the file to the District Magistrate, Bijnor, with specific objections, which included the following:

a. Absence of date of birth evidence (either educational or medical certificate) in the service book.

b. Overwriting on dates of initial appointment (15.2.1977) and confirmation (15.2.1981) in pen, which contradicted the dates provided in the executive officer's letter dated 25.10.2021 which states dates of initial appointment (16.04.1986) and confirmation (15.03.1990).

c. Lack of clear recommendations for payment of pension and gratuity.

d. Absence of a record indicating reinstatement or other action post suspension.

e. Non compliance with the High Court order dated 20.8.2019 in Writ Petition No. 12274/2019, as there was no record in the service book indicating the conclusion of proceedings against the petitioner.

11. That following the rectification of these objections, the Nagar Palika Parishad resubmitted the file on 02.04.2022. However, the following objections remained unaddressed:

a. Requirement to record the reinstatement and other actions in the service book with attestation by the competent authority, which was absent. No mention in the departmental inquiry order regarding exoneration or penalty, as required.

b. Absence of a conclusive report on file to affirm whether pension could be granted in view of the contempt petition pending as Contempt Petition No. 5076/2020.

c. Lack of rationale for the recommendation or non recommendation of pension and gratuity.

12. That due to the above reasons, on 18.4.2022, the Additional Commissioner (Administration) returned the file to the District Magistrate, Bijnor, for rectification, which was thereafter resolved and resubmitted to the Commissioner's Office on 13.7.2022. The pension, family pension, and gratuity were finally sanctioned on 4.8.2022, and payments were made to the petitioner on 7.9.2022. Post 7.9.2022, no dues remain pending against Nagar Palika Parishad towards petitioner.

15. The Commissioner has some visitorial powers in the affairs of the Nagar Palika, though not the Collector. Neither the Executive Officer of the Nagar Palika nor the Commissioner bothered to think, as the stance of the Commissioner in paragraph No. 7 of the personal affidavit would show, that an employee, some months away from his retirement, if proceeded with in the disciplinary jurisdiction, ought have been dealt with swiftly and conclusions reached about his guilt or otherwise - or the extent of it and its consequences. There is nothing said either by the Nagar Palika or the Commissioner of the Division as to why the inquiry, that was

initiated against the petitioner with a suspension order dated 23.08.2018, was not concluded and disposed of before the petitioner's retirement on 31.05.2019. It took the Executive Officer of the Nagar Palika and the Commissioner as well, the nudge of a writ of this Court to galvanize them into action, conclude the inquiry after the petitioner's retirement and based on findings, reach a decision on 21.09.2019, when the inquiry report was submitted that after all, the petitioner's post-retiral benefits had to be paid in full. Why this was not done before the petitioner's retirement, as already said, is thought both by the Executive Officer and the Commissioner of the Division something so trivial as not to beg an answer. No employee should be allowed to retire, with disciplinary proceedings pending against him, unless these are commenced virtually on the eve of his retirement, for very compelling reasons, or the charges are so serious and facts so complicated that the process of inquiry would certainly extend beyond the employee's superannuation. Here, neither was the case. The first justification offered, therefore, that the initial delay occurred due to the petitioner's indictment in a disciplinary case, places the blame squarely on the shoulders of the Executive Officer of the Nagar Palika Parishad and the Commissioner of the Division.

16. The remarks of the Commissioner, saying that after conclusion of the departmental proceedings on 21.09.2019, the petitioner was expected, through a notice dated 10.10.2020, to fulfill the requisite formalities for release of pensionary benefits, betrays the same approach. The further remarks make the picture worse. Perhaps, leave encashment, that was said to have been paid on 23.10.2019, is the lone entitlement under the head of retiral benefits, that was met with some promptitude. The group insurance, it is said by the Commissioner in paragraph No. 8 of the personal affidavit, was "subsequently disbursed to him on 03.08.2021". The Commissioner has not realized that between 21.09.2019, when the inquiry report was submitted and a decision taken, that the petitioner

would be paid his post-retiral benefits, and 03.08.2021, when the petitioner's group insurance was paid, a period of two years has elapsed. Two years is a long period of time in man's short life. Neither the Executive Officer of the Nagar Palika nor the Commissioner of the Division spared a thought to it, because, obviously, they were not suffering the predicament. It was the petitioner.

17. In paragraph No. 10 of the Commissioner's affidavit, and elsewhere, there is a repeat reference that the file relating to the post-retiral benefits was routed to the Nagar Palika from the Commissioner's office through the District Magistrate. The District Magistrate, Bijnor, in his personal affidavit, has attempted to show that he never put in any objection in the matter. We believe him for his word, though we think that he too has managed to coerce the Executive Officer of the Nagar Palika into saying that there was a typographical error in mentioning that objections were put in by the District Magistrate, when, what was meant, was the Commissioner. The Commissioner has acknowledged that each time the file relating to the petitioner's retiral benefits moved from the Nagar Palika, it was routed through the District Magistrate's office. We fail to see why that is so. If the District Magistrate had no say in the matter of the Nagar Palika, why should the Commissioner, who is some statutory authority in the Nagar Palika affairs, should have routed all papers through the District Magistrate, as if it were by the compelling habit. One more office - one more station, it is not hard to imagine, leads to added delay; particularly, when the office of conduit has the trappings of sovereign authority. These seem small or unnecessary detail, but, are unpredictable hurdles, which, if circumvented, would accelerate matters. There is no reason why the papers in this case should have been routed each time by the Commissioner and the Executive Officer of the Nagar Palika through the District Magistrate, Bijnor.

18. A perusal of paragraph No. 10 of the Commissioner's personal affidavit shows that five objections were put in by the Additional Commissioner (Administration) entrusted with the assignment. A look at the objections leaves one to wonder - at least about three of these - if they are matters which should have been dealt with at least a year ahead of the petitioner's scheduled retirement. The last two objections in paragraph No. 10 are less of objections and more of obstructions. Likewise, when rectified and resubmitted, a fresh list of objections, numbering three, were put in, two of which are absolutely besides the point - the one about pendency of contempt proceedings, requiring a conclusive report on file to affirm whether pension could be granted pending, contempt proceedings. This, for an objection, is nothing short of perversity. The tenor of the objections in paragraphs Nos. 10 and 11, as already remarked, show not the desire to facilitate payment of post-retiral benefits, but a mind that is utterly nonchalant to the plight of a retiree. Admittedly, the last of the dues, that were paid, was on 07.09.2022. It had been decided that the petitioner would be paid his dues by the Nagar Palika way back on 21.09.2019, when the inquiry report was submitted. By the time the last and the most substantial of retiral dues were paid, it was already 07.09.2022, to wit, a period of three years. There is absolutely no justification for all this delay. What was paid on 07.09.2022, after the Commissioner's approval, was pension and gratuity. The group insurance was paid on 03.08.2021 and the leave encashment was paid on 23.10.2019. Except for dues on account of leave encashment, all dues that have been paid later, have been paid with a culpable delay, inviting award of interest.

19. Long ago, in **State of Kerala and others v. M. Padmanabhan Nair**³, it was observed by their Lordships of the Supreme Court :

3 (1985) 1 SCC 429

3. The instant case is a glaring instance of such culpable delay in the settlement of pension and gratuity claims due to the respondent who retired on May 19, 1973. His pension and gratuity were ultimately paid to him on August 14, 1975 i.e. more than two years and 3 months after his retirement and hence after serving lawyer's notice he filed a suit mainly to recover interest by way of liquidated damages for delayed payment. The appellants put the blame on the respondent for delayed payment on the ground that he had not produced the requisite L.P.C. (last pay certificate) from the Treasury Office under Rule 186 of the Treasury Code. But on a plain reading of Rule 186, the High Court held – and in our view rightly – that a duty was cast on the Treasury Officer to grant to every retiring Government servant the last pay certificate which in this case had been delayed by the concerned officer for which neither any justification nor explanation had been given. The claim for interest was, therefore, rightly, decreed in respondent's favour.

4. Unfortunately such claim for interest that was allowed in respondent's favour by the District Court and confirmed by the High Court was at the rate of 6 per cent per annum though interest at 12 per cent had been claimed by the respondent in his suit. However, since the respondent acquiesced in his claim being decreed at 6 per cent by not preferring any cross-objections in the High Court it would not be proper for us to enhance the rate to 12 per cent per annum which we were otherwise inclined to grant.

5. We are also of the view that the State Government is being rightly saddled with a liability for the culpable neglect in the discharge of his duty by the District Treasury Officer who delayed the issuance of the L.P.C. but since the concerned officer had not been impleaded as a party defendant to the suit the Court is unable to hold him liable for the decretal amount. It will, however, be for the State Government to consider whether the erring official should or should not be directed to compensate the Government the loss sustained by it by his culpable lapses. Such action if taken would help generate in the officials of the State Government a sense of duty towards the Government under whom they serve as also a sense of accountability to members of the public.

20. Furthermore, in the Bench decision of this Court in **Smt. Nazma Khatoon v. State of U.P. and others**⁴, it has been held :

Even otherwise, we are of the opinion that interest is a necessary corollary to the retention of money by another person. It is neither

4 Neutral Citation No. - 2016:AHC:102266-DB

compensatory nor penal in nature and in that regard matter has been adjudicated upon by the Division Bench of this Court in the case of **Smt. Ranjana Kakar Vs. State of U.P. and others reported in 2008(10)ADJ 63(DB)**.

Following the law so laid down by the Division Bench of this Court, we are of the opinion that the appellant is entitled to get interest at the rate of 8 percent on the money of gratuity payment whereof has been delayed by the respondents. Interest so payable shall be calculated from the date the money was due by the date of actual payment.

21. One is left to wonder that the principles, laid down more than four decades ago by the Supreme Court and reiterated by their Lordships as also by this Court on a number of occasions, have failed to influence the respondents' bureaucratic mind, which revels with abiding faith in the wisdom of Government Orders and other non-statutory instruments. Sadly, to the practitioners of this approach, the constitutional era has not dawned. It is for violators such as these that penalty in the form of interest, and, may be something more, is necessary. In the present, the former would suffice.

22. Before parting with the matter, it must be remarked that the Divisional Commissioner, though not formally impleaded as a party respondent to this writ petition, has been sufficiently heard and represented by the learned Additional Chief Standing Counsel, with due notice to him and he has filed his personal affidavit in answer to the petitioner's claim dated 19.11.2024.

23. In the result, this petition **succeeds** and stands **allowed with costs**, which we quantify at **₹10,000**, payable by the Executive Officer, Nagar Palika Parishad, Seohara, Bijnor. The impugned order dated 03.07.2024 passed by the Executive Officer, Nagar Palika Parishad, Seohara, Bijnor is hereby **quashed**. A *mandamus* is issued to the Director, Local Bodies, Government of U.P., Lucknow, the Deputy Director, Local Fund Accounts

Department, Moradabad Region, Moradabad and the Executive Officer, Nagar Palika Parishad, Seohara, Bijnor to pay the petitioner, within four weeks of receipt of a copy of this judgment, simple interest at the rate of 6% per *annum* on the belated payment of group insurance, gratuity and arrears of pension, reckoned with effect from 21.09.2019, until payment of these dues.

24. The Registrar (Compliance) is directed to communicate this order to the Director, Local Bodies, Government of U.P., Lucknow, the Deputy Director, Local Fund Account Department, Moradabad Region, Moradabad and the Executive Officer, Nagar Palika Parishad, Seohara, Bijnor through the learned Chief Judicial Magistrates of Lucknow, Moradabad and Bijnor, respectively.

Allahabad

December 12, 2024

I. Batabyal

(J.J. MUNIR)
JUDGE

Whether the order is speaking : Yes

Whether the order is reportable : Yes