



2026:AHC-LKO:77254

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

WRIT - A No. - 2000061 of 2003

Adya Prasad Misra

.....Petitioner(s)

Versus

State Of U.P.Through Secy.Revenue And 8 Ors

.....Respondent(s)

Counsel for Petitioner(s)	:	Rajan Roy, Rajat Rajan Singh
Counsel for Respondent(s)	:	C.S.C., Anurag Srivastava, Deepak Seth

Court No. - 24

(SN.3021)

HON'BLE ANISH KUMAR GUPTA, J.

1. Heard Sri Rajat Rajan Singh, learned counsel for the petitioner and Sri Ritesh Kumar Singh, learned Standing Counsel Standing counsel for the State respondents.

2. The instant writ petition was filed with the following prayers:

"i) to issue a writ, order or direction in the nature of mandamus commanding the opposite parties to pay the balance amount (10%) of the general provident fund payable to the petitioner along with interest 18% from the date of retirement i.e. 31.7.1997 till the date of actual payment with a specified time."

3. Instant writ petition was disposed of initially vide order dated 20.02.2023, which reads as under:

"1. Heard learned counsel for the petitioner and learned counsel for the respondents.

2. By means of the present writ petition, the petitioner has prayed for the following reliefs:

"(i) to issue a writ, order or direction in the nature of Mandamus commanding the opposite parties to pay the balance amount (10%) of the general provident fund payable to the petitioner along with interest 18% from the date of retirement i.e. 31.7.1997 till the date of actual payment with a specified time.

(ii) to issue a writ, order or direction in the nature of Mandamus

commanding the opposite parties to pay interest on delayed payment of 90% of General Provident Fund, Gratuity, Leave Encashment, under under Group Insurance Scheme, arrears of pension, commuted pension, arrears revised pay @ 18% from the date of retirement i.e. 31.7.97 till the date of actual payment.

(iii) to pass any other suitable order or direction which is deemed just and proper in the circumstances of the case.

(iv) to allow the writ petition with cost."

3. Factual matrix of the case is that the petitioner while working on the post of Sub-Divisional Magistrate, Uttraula, District Balrampur, retired on 31.7.1997. When the post retiral benefits were not given, the petitioner has filed the present writ petition with the aforesaid prayer. During pendency of the present writ petition, the petitioner has been paid 90% G.P.F. and remaining 10% G.P.F. on 29.3.2004, gratuity, leave encashment and fund under group insurance scheme were paid on 26.6.2002, 29.3.2004, 27.3.1999, 6.4.2000 and 2.11.2001 respectively, but interest on the delayed payment of the retiral dues has not been paid to the petitioner.

4. Learned counsel for the petitioner submits that there is no justification in not paying interest on the delayed payment. He next submits that due to non-payment of interest on the delayed payment of retiral dues, the petitioner is suffering from great irreparable loss and injury.

5. On the other hand, learned counsel for the respondents submits that in case the petitioner is entitled for the payment of interest on the delayed payment, the same shall be considered and appropriate order shall be passed in this regard within a reasonable time.

6. In view of the above, this writ petition is finally disposed of with liberty to the petitioner to raise his grievance to respondent no.1 (State of U.P. through Secretary, Revenue, Government of U.P., Civil Secretariat, Lucknow) by filing a comprehensive representation within a period of one week from the date of production of a certified copy of this order and in case such a representation is filed, respondent no.1 shall consider and pass appropriate, reasoned and speaking order within six weeks thereafter. "

3. Thereupon, an Special Appeal was filed against the order dated 20.02.2023, whereupon the said Special Appeal was allowed vide order dated 24.04.2023 and the writ petition was restored and remanded back to

this Court for early disposal. The order dated 24.04.2023 passed by the Division Bench of this Court in Special Appeal reads as under:

"Office has reported a delay of 27 days in filing this special appeal.

Having heard learned counsel for appellant-petitioner and learned State counsel representing the State authorities, we are satisfied that delay has sufficiently been explained.

Accordingly, application is allowed and delay in filing special appeal is hereby condoned.

This intra court appeal assails the order dated 20.02.2023 passed by learned Single Judge whereby Writ-A No.2000061 of 2003 has been disposed of with liberty to the appellant-petitioner to raise his grievance to the State Government by filing the representation and with further direction to the State to consider and pass appropriate order on the said representation.

Submission of learned counsel for appellant-petitioner that the appellant-petitioner retired on 31.07.1997 from the post of Sub-Divisional Magistrate, Uttraula, District Balrampur and though he had made application for payment of post retiral dues within time but on account of delay at the end of State authorities, the payment of post reitral dues were made with delay which entitles him to be paid interest on delayed payment. It has been argued that since 90% amount of G.P.F was paid to the appellant-petitioner in the year 2002 and other payments were also made to him with delay which could not be attributed to him, he instituted a writ petition in the year 2003 itself and hence relegating the appellant-petitioner to the State Government after a lapse of 20 years is not appropriate.

Determination regarding entitlement of the appellant-petitioner of being paid interest on the alleged delayed payment of post retiral benefits is an issue which ought to have been, in our considered opinion, considered and decided by the learned Single Judge for the reason that relegating the appellant-petitioner after 20 years to the State Government for such decision does not appear to be appropriate. The pleadings before learned Single Judge were complete and accordingly finding was expected from learned Single Judge to have been given on the issue as to whether delay in payment of post retiral dues to the appellant-petitioner is attributable to the State authorities or to the appellant-petitioner.

In view of the aforesaid, we set-aside the order dated 20.02.2023 passed by learned Single Judge in Writ-A No.2000061 of 2003. We restore the writ petition on the board of learned Single Judge with the request that writ petition itself may be decided as early as possible considering the fact that appellant-petitioner is presently about 84 years of age.

The special appeal is thus allowed in the aforesaid terms. "

4. In view thereof, as per the aforesaid directions by the Division Bench, this case is to be decided whether the petitioner herein is entitled for the interest on the delayed payment of the retiral dues pensionary benefits, GPF, Gratuity etc. The claim of the petitioner is that petitioner herein was due to retire on 31.07.1997. About one and half years before his retirement he has submitted all the relevant documents with the office of District Magistrate, Gonda including the Form 425-A etc. Just before his retirement on 25.05.1997, petitioner herein was transferred to newly created District- Balrampur as SDM- Utraula in District- Balrampur and thereafter, the disputes have been raised with regard to the submission of documents by the petitioner as the petitioner had already submitted the documents to District Magistrate- Gonda.

5. In its letter dated 21.07.1997, written by District Magistrate- Gonda to Assistant Accounts Officer, Board of Revenue, Faizabad Zone, Faizabad, U.P. It has been categorically admitted that all the documents including the Form 425-A and undertaking etc., have already been forwarded to the Board of Revenue for release of the pensionary benefits to the petitioner. Therefore, the submission of the documents such as Form 425-A is apparently clear from the communication dated 21.07.1997 by the District Magistrate, Gonda to the Assistant Accounts Officer Board of Revenue. Thereafter, after the retirement of the petitioner repeatedly the ADM Balrampur had started asking the petitioner for submission of the Form 425-A and other documents.

6. In response thereto, it was informed by the petitioner that all the relevant documents have already been submitted by the petitioner before the District Magistrate, Gonda, which has already been forwarded to the Board of Revenue. Despite that, the issue with regard to the release of pensionary benefit to the petitioner was deferred claiming the want of the aforesaid documents. Later on with delay the pension, commutation gratuity etc. were sanctioned and paid also to the petitioner. Initially 90% of the GPF amount and gratuity amount was released and later the remaining 10% was also released in favour of the petitioner. The payments, which were made to the petitioner on different dates are reflected in the following chart:

DUE/AMOUNT	DATE	DELAY AFTER RETIREMENT (31.07.1997)
Pension, Commuted Pension, Gratuity- Sanction	08.06.1998	11 months
Pension Payment Order issued (OP No.2)	09.11.1998	15.5 months
Actual Payment of Pension arrears Rs. 86,295, Gratuity Rs. 1,10,517, Commuted Pension Rs. 70,668	27.03.1999	20 months
Leave Encasement – Rs. 94,694/-	06.04.2000	~33 months
Suppl. Gratuity Rs. 84,794, Suppl. Commuted Pension Rs. 1,47,235, Pension Arrears Rs. 51,842	05.07.2000	~36 months
Arrears of Revsied Pay – Rs. 31,935/-	15.05.2001	~46 months
Group Insurance Scheme – Rs. 16,574/-	02.11.2001	~52 months
90% of GPF – Rs. 93,000/- (In violation of G.O. 2-0.11.1993 Cl.7 (3))	26.06.2002	~60months
10% Balance of GPF – Rs. 24,436/- (with interest only upto Aug. 1998)	29.03.2004	~80 months

7. From the aforesaid, it is apparent that there is a delay in releasing the pensionary and retiral dues to the petitioner. From the later communications raised on behalf of the respondents it has been tried to submit that the petitioner has not submitted the relevant document that specifically the Form 425-A within time. That is why, there was a delay in release of the pensionary and retiral benefit to the petitioner.

8. Since, the communication dated 21.07.1997 submitted by District

Magistrate, Gonda, to the Assistant Accounts Officer, Board of Revenue, Faizabad Zone, Faizabad, U.P. is available on record as Annexure RA-2 to the rejoinder affidavit filed by the petitioner, which categorically admits that prior to 21.07.1997, all the documents including Form 425-A was submitted on behalf of the petitioner and the same were forwarded on 21.07.1997.. In such view of the matter, further demand for the same documents, which have already been submitted by the petitioner much before his age of retirement was just an eyewash to fill-up the gap after filing of this writ petition by the petitioner.

9. In such view of the matter, by no stretch of imagination it can be said that there was delay in submission of the documents on behalf of the petitioner. Thus, there is a categorical delay in releasing the retiral benefits and pensionary benefits to the petitioner including the GPF and Gratuity amount in favour of the petitioner as all retiral dues are required to be paid within three months from the date of retirement. In such view of the matter, the respondents are liable to pay the interest on the said amounts for the delayed payment as reflected in the chart given above.

10. In such view of the matter, respondent no.3 herein is directed to pay the interest on the delayed payment of the pension, Gratuity, GPF etc., to the petitioner from the date of retirement till the actual payment made to the petitioner at the rate of 12% per annum within a period of eight weeks from the date of communication of this order.

11. With the aforesaid, instant petition is ***allowed***.

(Anish Kumar Gupta,J.)

October 27, 2026

Shubham Arya