

15. Subsequently, the similar views were expressed in the case of **Chairman-cum-Managing Director, T.N.C.S. Corporation Limited and others versus K. Meerabai reported in JT 2006 (1) SC 444, Suresh Pathrela versus Oriental Bank of Commerce**, reported in AIR 2007 SC 199 and **Union of India and others versus Naman Singh Shekhawat** reported in 2008 (4) SCC 1 with regard to the issue as to whether the departmental proceeding should be kept in abeyance till the conclusion of criminal trial was also considered by the Supreme Court in the case of **Indian Overseas Bank versus P. Ganasen and others** reported in AIR 2008 SC 553 where the Supreme Court held that where prayer is made that so long as criminal proceedings are going on, departmental proceedings may not be proceeded, the Court must record a finding that non grant of stay on a departmental proceedings would not only prejudice the delinquent officer, that the matter also involves complicated question of law.

16. In the present case, once the petitioner has already submitted himself to the jurisdiction of the disciplinary proceedings, he has submitted his reply that it cannot be said that his defence can be prejudiced during the criminal trial. One of the main consideration for staying of the departmental proceedings during the pendency of the criminal trial is to see that the defence of the delinquent Government Servant is not prejudiced in the criminal trial. This plea is not applicable in the present case inasmuch as the petitioner has already tendered his response to the charge-sheet in the disciplinary proceedings.

17. In the aforesaid circumstances, this Court has no hesitation in holding that it is not a case for interference where the

departmental proceedings are being held on the same charges of the criminal trial.

18. Accordingly, I do not find any infirmity in the criminal trial proceedings simultaneously with the criminal trial. The writ petition is being devoid of merit is, accordingly, **dismissed**.

-----  
**(2024) 11 ILRA 35**  
**ORIGINAL JURISDICTION**  
**CIVIL SIDE**  
**DATED: ALLAHABAD 12.11.2024**

**BEFORE**

**THE HON'BLE AJAY BHANOT, J.**

Writ A No. 12642 of 2020

**Smt. Krishnawati** ...Petitioner  
**Versus**  
**State of U.P. & Ors.** ...Respondents

**Counsel for the Petitioner:**  
 Bramh Narayan Singh

**Counsel for the Respondents:**  
 C.S.C., Manu Singh

**A. Service Law -Constitution of India,1950-Article 226-entitlement to interest on delayed payment of retiral dues, including family pension and provident fund, to the legal heir of a deceased government employee-The petitioner is the widow of govt. employee who died in service-despite receiving a "No Dues Certificate" the retiral dues were not disbursed in a timely manner-After prolonged delays the dues were finally disbursed-The court relied on Yogendra Singh Case and Sanjay Upadhyay Case which establish that delayed payment of pension and retiral dues entitles the beneficiary to interest-The court directed the respondents to pay simple interest at 8% per annum for the delayed period.(Para 1 to 9)**

**The writ petition is allowed.** (E-6)

**List of Cases cited:**

1. Yogendra Singh Vs St. of UP (2016) Law Suit (All) 3850

2. Sanjay Upadhyay & ors Vs St. of U.P. & ors, Writ-A No. 459 of 2019

(Delivered by Hon'ble Ajay Bhanot, J.)

1. Heard Sri Bramh Narayan Singh, learned counsel for the petitioner and learned Standing Counsel for the State respondents.

2. The retiral dues of the petitioner's deceased husband were disbursed to her after a long delay. The petitioner has made an application for grant of interest on the delayed payment. The husband of the petitioner died in harness. No dues certificate in regard to the deceased husband of the petitioner was issued by the competent authority on 14.03.2005 and verified on 18.08.2005 by the respective competent authorities. However the retiral dues were not paid to the petitioner. She was made to run from pillar to post. The petitioner instituted a writ petition before this Court in the year 2019. Despite directions issued by this Court the amount was not disbursed to her which caused the petitioner to file a contempt petition which was registered as Contempt Petition no. 7922 of 2019. Finally the amounts to which the petitioner was entitled upon death of her husband were disbursed on 23.12.2019.

3. The counter affidavit filed on behalf of the State records that the application was filed by the petitioner for release of the provident fund amount, family pension on 18.08.2005. No cause for the delay in processing the family pension and

provident fund amount which is the entitlement of the petitioner is disclosed from the counter affidavit.

4. The delay in payment of the aforesaid amount (consequently this Court finds) is entirely due to the apathy of the respondents. The death of an employee renders the family destitute in more ways than one. Apart from losing emotional anchor, the sole bread earner was also lost by the family.

5. In these circumstances it is always expected that the State authorities should discharge their duties with promptitude and empathy as per law. To the contrary the authorities adopted a callous attitude to the plight of the petitioner. The deceased employee's family cannot be harassed for her entitlements by overbearing officials. The respondents are liable to pay interest on the delayed payment.

6. The narrative shall be fortified by authorities in point. In **Yogendra Singh Vs State of U.P. (2016 Law Suit (All) 3850)** this Court held thus:-

"i) Pension and other retiral benefits of all Government employees must be sanctioned / paid in terms of the Rules, 1995 on the eve of their retirement, if there is no legal impediment.

ii) If there is any delay in the payment of retiral benefits and pension, the employee shall be entitled for the interest at the current market rate with effect from the date of his/her retirement till the date of actual payment. The interest on delayed payment shall be paid by the State Government. It will be open to the State Government to recover it from the officer/officials who are found to be guilty for negligence in payment of the pension. If

such official is retired, the amount of the interest shall be recovered from his/her post retiral benefits/pension after furnishing him/her opportunity.

iii) It will be open to the State Government to initiate proceedings against such official for taking action for misconduct in terms of the Rules, 1995, if he is in service.

50. In view of the above, respondents are directed to pay the simple interest at the rate of 9% from the one month after the death of petitioners father till the date of actual payment to them and further to pay the GPF within a month ,if it has already not been paid, along with the interest at the rate of 9% as held above."

7. The aforesaid judgment was followed by this Court in **Sanjay Upadhyay and 5 others Vs State of U.P. and 3 others (Writ-A No. 459 of 2019)**.

8. In the wake of preceding discussion and the authorities in point this Court finds that the respondents are liable to pay interest to the petitioner for the delayed payment for pension and other terminal dues of the deceased employee. The interest amount is fixed at 8 percent per annum (considering the rate of interest). The interest shall be payable from 18.08.2005 till 23.12.2019. The interest shall be calculated and released in favour of the petitioner within a period of three months from the date of receipt of a certified copy of this order. In case the amount is not released within the aforesaid period the concerned official shall be held liable for the delayed payment of interest after expiry of three months.

9. The writ petition is allowed.

-----  
**(2024) 11 ILRA 37**

**ORIGINAL JURISDICTION  
CIVIL SIDE  
DATED: ALLAHABAD 11.11.2024**

**BEFORE**

**THE HON'BLE J.J. MUNIR, J.**

Writ A No. 16420 of 2024

**Smt. Neetu Chaudhary** ...Petitioner  
**Versus**  
**State of U.P. & Ors.** ...Respondents

**Counsel for the Petitioner:**  
R.K. Mishra

**Counsel for the Respondents:**  
Abhishek Srivastava, C.S.C.

**A. Service Law - Constitution of India,1950-Disciplinary proceedings-Natural justice-Procedural Flaws in Inquiry-Dismissal quashed-The court quashed the dismissal of the petitioner, who was an office Assistant –III in UPPCL, due to procedural irregularities in the disciplinary inquiry-The inquiry committee failed to follow principles of natural justice and procedural requirements (absence of witness examination and cross-examination opportunities and lack of evidence to prove charges beyond presumptions) under the UPPCL Employees(Discipline and Appeal) Regulations 2020-The court emphasized that in disciplinary inquiries leading to major penalties charges must be proven with documentary and oral evidence-The burden of proof lies on the establishment, and procedural safeguards cannot be waived-Thus, the dismissal and appellate orders were set aside-The petitioner was ordered to be reinstated with liberty to the respondents to conduct a fresh inquiry while ensuring adherence to proper disciplinary procedures.(Para 1 to 18)**

**The writ petition is allowed. (E-6)**

**List of Cases cited:**