



Sl. No.	Date	Office Name, Designation of petitioner or directors and signature with Signature	COURT'S OR JUDGE'S ORDERS
			<p><u>WPSB No.158 of 2026</u> Rajesh Kumar NigamPetitioner</p> <p style="text-align: center;">Vs</p> <p>State of Uttarakhand & othersRespondents</p> <p><u>Hon'ble Manoj Kumar Tiwari, J.</u> <u>Hon'ble Pankaj Purohit, J.</u></p> <p>Mr. Vritant Bhatt, learned counsel holding brief of Mr. Shobhit Saharia, learned counsel for the petitioner.</p> <p>2. Mr. G.S. Negi, learned Additional C.S.C. for the State/respondent no.1.</p> <p>3. Mr. Aditya Pratap Singh, learned counsel for respondent nos.2 & 3-Corporation.</p> <p>4. Petitioner retired as Company Secretary from Uttarakhand Seeds and Tarai Development Corporation Ltd. in the year 2017. He had earlier filed WPSB No. 407 of 2021 along with a batch of writ petitions seeking a direction to the authorities to release the amounts of gratuity, leave encashment, group insurance, etc. The said writ petition was allowed vide judgment dated 14.06.2024. The operative portion of the said judgment is extracted below:</p> <p style="padding-left: 40px;"><i>"11. The view expressed in the case of Bhagirathi Jena (supra) was reiterated by Hon'ble Supreme Court in Dev Prakash Tewari v. Uttar Pradesh Cooperative Institutional Service Board, Lucknow and others, (2014) 7 SCC 260.</i></p> <p style="padding-left: 40px;"><i>12. Learned counsel for Uttarakhand Seeds and Tarai Development Corporation Ltd. submitted that the allegation against the petitioners is that they committed financial irregularities by causing huge financial loss to the Corporation, therefore, the Corporation was justified in initiating disciplinary proceedings against the petitioners.</i></p> <p style="padding-left: 40px;"><i>13. We are not impressed by the said submission. Uttarakhand Seeds and Tarai Development Corporation Ltd. is a Government Company, which is owned and controlled by the State, therefore, it is a 'State' within meaning of the term under Article 12 of the Constitution. Rule of law is bedrock of the constitutional systems and law may be harsh in some cases; but, it has to be followed irrespective of the extent of financial loss caused to the</i></p>



Corporation. We have been informed that criminal proceedings have also been initiated against the petitioners, therefore, the Criminal Court will examine the question, whether they are guilty or not.

14. In such view of the matter, the writ petitions are allowed. The act of Uttarakhand Seeds and Tarai Development Corporation Ltd. to withhold Gratuity, Leave Encashment, Group Insurance and other monetary benefits of the petitioners, is declared to be illegal. Petitioners shall be entitled to Gratuity, Leave Encashment, Group Insurance and other monetary benefits, which shall be released by Uttarakhand Seeds and Tarai Development Corporation Ltd. to the petitioners, without any further delay."

5. In this writ petition, petitioner has sought the following reliefs:-

"(i) Issue a writ, order or direction the nature of mandamus commanding the respondents to pay a complete gratuity amount of the petitioner of an amount of Rs. 14,84,993/-.

(ii) Issue a writ, order or direction in the nature of mandamus commanding the respondents to pay interest at commercial rates @ 18% on the delayed payment of retirement dues after 8 years of retirement.

(iii) Issue a writ, order or direction in the nature of mandamus commanding the respondents to pay arrears of 3 years of ACP which was made effective on the respondent corporation with effect from 2011 and other dues and proper retirement benefits."

6. Mr. Aditya Pratap Singh, learned counsel appearing for respondent nos. 2 & 3, on instructions, submits that a sum of Rs. 10 lakhs has been released in favour of the petitioner on 25.06.2025. He submits that, as per the applicable policy, all employees of Corporation are entitled to Rs. 10 lakhs only as gratuity, which has been released in favour of petitioner. He also submits that decision regarding grant of ACP for the period of 2011–2013 has already been taken by Board of Directors, and whatever amount is payable to the petitioner would be released. However, the final order has yet to follow, which shall be passed within six weeks.



7. Learned counsel for the petitioner, however, disputes the said contention made on behalf of respondents and submits that petitioner is entitled to a higher amount as gratuity. He submits that the amount of interest and various other dues are still pending.

8. Having regard to the facts of the case, writ petition is disposed of with liberty to petitioner to make a representation for the remaining dues, to the Competent Authority. If he makes representation within two weeks, a decision thereupon shall be taken by Competent Authority as per law within six weeks thereafter.

(Pankaj Purohit, J.)

(Manoj Kumar Tiwari, J.)

27.03.2026

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