



2026:UHC:3390

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<u>WPSS/1183/2024</u> <u>Hon'ble Manoj Kumar Tiwari, J.</u> Mr. Navneet Sharma, Advocate for the petitioner. Mr. Ramesh Chandra Joshi, Brief Holder for the State. 2. Petitioner has challenged order dated 28.03.2023, passed by Director, Secondary Education, Uttarakhand. In the said order, it is mentioned that not only the principal amount of retiral dues of petitioner's father amounting to Rs. 4,97,738/- was released in his favour, but further sum of Rs. 9,85,515/- was released to the three sons of late Narendra Kumar Sharma towards interest @ 18% per annum. 3. Learned counsel for petitioner accepts that a sum of Rs. 4,97,738/- plus Rs. 9,85,515/- has been released. He, however, submits that amount so released, is not sufficient and falls short of the interest payable @ 18% per annum on delayed payment of retiral dues. 4. Learned State Counsel submits that petitioner's father retired from the post of Assistant Teacher (LT Grade) from a Government aided Institution on 30.06.2000; therefore, liability to pay retiral dues is upon successor State of Uttar Pradesh, as State of



		Uttarakhand had not been created at the time of his retirement. 5. He submits that State of Uttarakhand has released the dues of petitioner's father in terms of judgment of this Court passed in Writ Petition (SS) No. 1707 of 2012 and now nothing remains to be paid to petitioner. 6. Learned State Counsel further submits that father of the petitioner had filed writ petition only for interest on delayed payment of retiral dues in 2012, which was decided in 2017, and petitioner cannot now file another writ petition for similar relief i.e. interest on delayed payment. He further points out that a contempt petition was also filed by petitioner for enforcement of the order passed in Writ Petition (SS) No. 1707 of 2012, which was also dismissed. He submits that successive writ petition for same relief would not be maintainable and would be barred by principle of constructive res judicata. 7. He further submits that whether petitioner is entitled to interest, and if yes, then at what rate, are all disputed questions of fact and if petitioner insists upon claiming interest then, he should approach the competent Civil Court. 8. This Court finds substance in the
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		submission made by learned State Counsel. 9. Since petitioner's father had filed a writ petition claiming interest on delayed payment which was decided on 27.03.2017, therefore another writ petition for selfsame relief would not be maintainable. 10. Even otherwise also, as per letter issued by Director on 28.03.2023, which is impugned in this writ petition, petitioner was paid a sum of Rs. 9,85,515/- towards interest. 11. For the aforesaid reason, this Court do not find any scope for interference in the matter. The writ petition fails and is dismissed. However, it shall be open to petitioner to approach a competent Court of law for the reliefs sought herein, if so advised. (Manoj Kumar Tiwari, J.) 05.05.2026 Mahinder/
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