

(2023) 09 SHI CK 0033
In the High Court Of Himachal Pradesh
Case No : Civil Writ Petition No. 6463 Of 2023

Asrupi Devi

APPELLANT

Vs

HPTDC & Anr

RESPONDENT

Date of Decision : 15-09-2023

Acts Referred:

Constitution Of India, 1950 — Article 14, 16

Citation : (2023) 09 SHI CK 0033

Hon'ble Judges : Jyotsna Rewal Dua, J

Bench : Single Bench

Advocate : Parveen Chauhan, Shivank Singh Panta

Final Decision : Disposed Of

Judgement

Jyotsna Rewal Dua , J

1. Notice. Mr. Shivank Singh Panta, learned Standing Counsel, appears and waives service of notice on behalf of the respondents.

2. The petitioner has filed the writ petition for grant of following substantive reliefs:-

"a. That a writ of mandamus may please be issued and the respondents may kindly be directed to release the retiral benefits i.e. Gratuity alongwith interest on the entire amount of gratuity, which is still due and payable to the petitioner from due date, i.e. 01.12.2022 till the date of its realization, on account of delayed period payments, in terms of the judgment dated 11.08.2023 passed by this Hon'ble Court in CWP No.4129/2023 titled as Dile Ram Vs. HPTDC & Anr, (Annexure P-2) and even otherwise on facts and law as stated in the petition as above, the petition may kindly be allowed with costs, in the interest of law and justice.

b). That the action of the respondents in withholding or not releasing the retiral benefits of the petitioner from due date 01.12.2022 till date, may kindly be held

as illegal, arbitrary, discriminatory and violative of Articles 14 & 16 of Constitution of India.”

3. The petitioner was in service of the respondent-Himachal Pradesh Tourism Development Corporation Ltd. and retired as Utility Worker on 30.11.2022 from HPTDC Hotel Apple Blossom Fagu, District Shimla, H.P. after rendering 24 years and 05 months of regular service. It is the case of the petitioner that her balance amount of gratuity of Rs. 6,62,054/- has been sanctioned by the respondents, vide office order dated 16.01.2023 (Annexure P-1). The grievance of the petitioner is that despite the aforesaid gratuity being sanctioned, the same has not been released. It is, however, submitted that an amount of Rs.1,00,000/- has been disbursed to the petitioner by the respondents on account of retiral benefits, i.e. gratuity.

4. In the facts and circumstances of the case, this writ petition is disposed of by directing the respondents to release the admissible retiral benefits (Gratuity) alongwith statutory interest to the petitioner within a period of six months from today, in accordance with law. If the amount due is not paid within the aforesaid period, the same shall carry interest at the rate of 9% per annum from the due date of actual payment.

The writ petition stands disposed of in the above terms, so also the pending miscellaneous application(s), if any.