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(2022) 05 SHI CK 0074

In the High Court Of Himachal Pradesh

Case No : Civil Writ Petition No. 2809 Of 2022

Dhani Ram — APPELLANT

Vs

Himachal Road Transport Corporation And Others — RESPONDENT

Date of Decision : 24-05-2022

Acts Referred:

Citation : (2022) 05 SHI CK 0074

Hon'ble Judges : Mohammad Rafiq, CJ;Sandeep Sharma, J

Bench : Division Bench

Advocate : Manohar Lal Sharma, Reeta Thakur

Final Decision : Disposed Of

Judgement

Mohammad Rafiq, CJ

1. This writ petition has been filed by petitioner, who had retired from the service of the respondents–Himachal Road Transport Corporation (HRTC), with the prayer that the respondents may be directed to pay the amount of gratuity (DCRG), and leave encashment alongwith interest @ 9% per annum on the pending dues under law.

2. Reliance has been placed on the judgment passed by a Division Bench of this Court in CWP No. 3050 of 2014, titled Nek Ram versus State of Himachal Pradesh and others, decided on 17.07.2014 and also on a subsequent order of this Court dated 25.08.2021, passed in CWP No. 4377 of 2021, titled Sh. Subhash Chand versus The Himachal Road Transport Corporation, Shimla and others alongwith connected matters, in which, the respondents were directed to pay the retiral benefits to the petitioners within a period of six months. In case, the required retiral benefits are not paid to the petitioners within the aforesaid period of six months, then in addition to the due statutory benefits, the petitioners shall also be paid interest at the rate of 9% per annum beyond the period of six months till the date of actual payment.

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3. In another subsequent order of this Court passed in CWP No. 6034 of 2021, titled Ram Lal versus The Himachal Pradesh Tourism Development Corporation Ltd. and another and the connected matter, decided on 23.11.2021, the respondents were directed to make payment of gratuity to the petitioners within a period of six months from the date of passing the order. In the event of non-payment of due amount, the petitioners were held entitled to differential amount of interest between the amount of interest statutorily payable to the petitioners as per the Payment of Gratuity Act and the interest at the rate of 9% per annum for the period of delay beyond six months.

4. While disposing of Review Petition No.110 of 2021 on 25. 11.2021, preferred against the order dated 09.11.2021 passed in CWP No.6928 of 2021, in which, the aforesaid order dated 25.08.2021 passed in CWP No.4377 of 2021 was relied upon, this Court has clarified the aforesaid order in the terms that the respondent-Corporation shall be liable to pay entire retiral dues of the petitioner, including gratuity, arrears of pension and leave encashment alongwith prescribed rate of interest, within a period of six months from the due date till the actual payment is made.

5. We are, therefore, persuaded to dispose of this writ petition with a direction to the respondents to pay gratuity and leave encashment to the petitioner with actual rate of interest as per applicable rules, till the time of actual payment, which shall be paid to him within a period of six months from today. The due amount of payment, if delayed beyond six months, shall be paid with interest to the rate of 9% per annum till the date of its actual payment. The writ petition stand disposed of in the above terms, so also the pending application(s), if any.

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