
(2012) 03 SHI CK 0049
In the High Court Of Himachal Pradesh
Case No : CWP No. 7854 of 2011

Dr. Pushpa Bali

APPELLANT

Vs

State of Himachal Pradesh

RESPONDENT

Date of Decision : 09-03-2012

Acts Referred:

Citation : (2012) 03 SHI CK 0049

Hon'ble Judges : Surinder Singh, J

Bench : Single Bench

Advocate : Rajnish Maniktala, for the Appellant; A.K. Bansal, Additional Advocate General for respondents No. 1 and 2 and Mr. K.D. Sood, Sr.Advocate, with Mr. Mukul Sood, Advocate, for respondents No. 3 and 4, for the Respondent

Judgement

Surinder Singh, Judge

1. Heard and gone through the record. The petitioner was a Lecturer (History) in the St. Bede's College, (a grant-in-aid College) Shimla and superannuated on 30.6.2008, but was not paid any gratuity and leave Whether reporters of local papers may be allowed to see the judgment? encashment. The pay-scales in the aforesaid College were also revised w.e.f. 1.1.2006, but despite making representations to the concerned authorities, neither the gratuity nor leave encashment were paid to her. However, the stand taken by the 4th respondent i.e. St. Bede's College, the case of the petitioner was sent alongwith other lecturers to 2nd respondent, but neither payments towards gratuity nor leave encashment were received. So far no decision has been taken. Thus, petitioner claims the gratuity, leave encashment with interest; also the difference between the salary paid to her w.e.f. 1.1.2006 upto 30.6.2008 on account of revision of pay scales.

2. Respondents in their replies do not dispute the claim of the petitioner, but however, respondents No. 1 and 2 stated about that on taking decision at appropriate level, it shall be released.

3. Shri K.D. Sood, learned Senior Advocate, duly assisted by Mr. Mukul Sood, Advocate submitted that as and when 95% grant-in-aid will be released to the College and received from the State Government, it shall further be released to the petitioner alongwith 5% share of the management.

4. A similar relief was claimed in CWP No. 5858 of 2010 filed by a similar situate person which was disposed of by the learned Single Judge being a covered matter by the judgment dated 20.6.2008 rendered in CWP No. 60 of 2006 titled Jagdev Katoch v. State of H.P. and others, directing the respondents-State to release the gratuity and leave encashment within three months. It was also directed that 95% of the amount of gratuity and leave encashment, shall be released by the respondents-State and the remaining 5% by the Management with interest @ 6% per annum. Also in judgment rendered by this Court in CWP (T) No. 8686 of 2008 titled Udham Singh Chaudhary vs. State of H.P. and others, and in case of Smt. Veerinder Surjit Singh CWP No. 5858 of 2010. Smt. Veerinder Surjit Singh's decision was assailed by the respondent-State in LPA No. 196 of 2011, but it was also dismissed and the impugned order attained finality. It is submitted by Shri Maniktala, Advocate that the appeal filed by the respondents in Jagdev Katoch's case supra, (LPA No. 23 of 2009) was also dismissed upholding the judgment of the learned Single Judge on the similar issue. Admittedly, the respondent-College is governed by H.P. Non-Government Affiliated Colleges Grant-in-aid Rules, 1994 framed by the State Government, which were notified on 6.5.1994. Therefore, there is no reason for not granting the relief to the petitioner, as such, respondents are hereby directed to make payment of gratuity and leave encashment, which is found due to the petitioner within a period of three months from today in the aforesaid ratio with interest @ 6% per annum from the period it fell due and the respondents are also directed to make the payment of difference between the salary paid to the petitioner because of revised pay w.e.f. 1.1.2006 upto her retirement. Petition stands accordingly disposed of so also the pending application(s), if any