

(2022) 07 SHI CK 0008
In the High Court Of Himachal Pradesh
Case No : Civil Writ Petition No.3642 Of 2022

Gopal Singh

APPELLANT

Vs

Himachal Road Transport Corporation And Others

RESPONDENT

Date of Decision : 07-07-2022

Acts Referred:

Constitution Of India, 1950 — Article 226

Citation : (2022) 07 SHI CK 0008

Hon'ble Judges : Sabina, J; Satyen Vaidya, J

Bench : Division Bench

Advocate : Kshitiz Thakur, Rajesh Verma, Ajeet Singh Saklani

Final Decision : Disposed Of

Judgement

Sabina, J

1. The petitioner has filed this writ petition under Article 226 of the Constitution of India seeking the following relief(s):-

"(1). That the respondents may kindly be directed to pay the full amount of Gratuity, Leave Encashment, GPF @9% per annum on the pending dues under law in the interest of justice.

(2). That the respondents may very kindly be directed to extend the benefit of the judgment passed by this Hon'ble Court in Nek Ram vs. State of H.P. & Ors., CWP No. 3050 of 2014, decided on 17.07.2014, Annexure P-2 to the petitioner forthwith with all consequential benefits."

2. After hearing learned counsel for the parties, we are of the opinion that this petition is liable to be disposed of in terms of the decision given in CWP No. 4321 of 2021, titled Moti Lal Sharma, versus Himachal Road Transport Corporation and another and connected matter, decided on 29.11.2021. The operative part of the said order reads as under:-

"5. We are, therefore, persuaded to dispose of these writ petitions with a

direction to the respondents to pay the petitioners the gratuity with actual rate of interest as per applicable rules, till the time of actual payment. Apart from that, the respondents shall also pay to the petitioners the due statutory benefits, other retiral benefits and amount of leave encashment alongwith applicable interest, all of which, shall be paid to them within a period of six months from today.

The due amount of payment, if delayed beyond six months, it shall be paid with interest at the rate of 9% per annum till date of its actual payment.”

3. Accordingly, this petition is disposed of with a direction to the respondents to pay the entire due retiral benefits to the petitioner strictly in terms of the directions given in the aforesaid order dated 29.11.2021, passed in CWP No. 4321 of 2021, within a period of six months from today.

4. Pending miscellaneous application(s), if any, shall also stand disposed of.