
(2020) 10 SHI CK 0411
In the High Court Of Himachal Pradesh
Case No : Civil Writ Petition No. 3383 Of 2020

Jiwan Kumar

APPELLANT

Vs

H.R. T.C. & Another

RESPONDENT

Date of Decision : 12-10-2020

Acts Referred:

Citation : (2020) 10 SHI CK 0411

Hon'ble Judges : L. Narayana Swamy, CJ;Anoop Chitkara, J

Bench : Division Bench

Advocate : Mansa Ram, Vikas Rajput

Final Decision : Disposed Of

Judgement

L. Narayana Swamy, CJ

1. By way of the instant writ petition, the petitioner is seeking a direction to the respondents to release the retiral dues, i.e. Gratuity, GPF, commuted value of pension, etc., along with interest.
2. Having gone through the averments made in the writ petition as also the documents annexed therewith, it appears that the petitioner has straight away approached this Court and has not made any demand/representation to the respondents to release his retiral benefits.
3. It is pertinent to observe herein that when a person approaches this Court, in order to explain the cause of action, he/she should state as to whether he/she had approached the respondents and whether the respondents have considered the same or not. Without providing an opportunity to the respondents to examine the case of the petitioner in respect of the prayer made, no cause of action can be said to have been accrued in favour of the petitioner, in case he/she approaches this Court directly, without filing any representation before the respondents. In case, the representation filed by the petitioner is rejected, then the petitioner would get the cause of action to approach this Court.

4. In view of the above, the writ petition is disposed of permitting the petitioner to approach the respondents, at the first instance, for releasing his retiral benefits.

5. It goes without saying that petitioner will be at liberty to approach this Court for redressal of his grievances, in case the same are not redressed.

6. Pending miscellaneous applications, if any, are also disposed of accordingly.