
(2010) 11 SHI CK 0366
In the High Court Of Himachal Pradesh
Case No : CWP No. 3493 of 2009

Kanta Devi

APPELLANT

Vs

Union of India (UOI) and Others

RESPONDENT

Date of Decision : 23-11-2010

Acts Referred:

Citation : (2010) 11 SHI CK 0366

Hon'ble Judges : Surjit Singh, J

Bench : Single Bench

Judgement

Surjit Singh, J. 1. Petitioners, in these four writ petitions, are the retired employees or dependents of the retired employees of certain projects set up by the State Social Welfare Board, Himachal Pradesh. The Board and the Projects, run by the Board, do not have any income of their own and they are provided grants by the State Government for running their affairs. In the year 1977, vide communication dated 16th August, 1977, Government of Himachal Pradesh conveyed to Respondent No. 5, i.e. the State Social Welfare Advisory Board, its approval to extend gratuity benefit to the staff of the State Welfare Advisory Board. The letter said that the expenditure will be borne by the Board out of its sanctioned grant. Letter was issued with the prior concurrence of Finance Department. These facts are not in dispute.

2. Petitioners in three writ petitions and the husband of the Petitioner in fourth writ petition retired as employees of Respondent No. 5-Board, on different dates. Though entitled to gratuity, in terms of the aforesaid letter, dated 16th August, 1977, and also to leave encashment, nothing has been paid to them, so far. So, they have approached this Court, by way of the present writ petitions, for issuance of writ of mandamus, directing the Respondents to pay retirement gratuity as also money due on account of leave encashment.

3. Respondent No. 5-Board, in its reply, has stated that it has not been getting enough funds from the State Government and for that reason gratuity and leave encashment payments have not been released to the Petitioners, so far. The

Board does not deny entitlement of the Petitioners to the aforesaid claims.

4. State Government and its functionaries, Respondents No. 2,3 and 6, have filed separate reply, in which it is not denied that the Petitioners are entitled to the aforesaid claims/benefits, but they have stated that the Petitioners were the employees of Respondent No. 5-Board and it is the responsibility of the said Respondent to pay gratuity and leave encashment to the Petitioners, out of its sanctioned grants.

5. Admittedly, grants are made available by the State Government and if the State Government does not provide sufficient money, by way of grant, how can the Board (Respondent No. 5), which does not have any income of its own, pay gratuity and leave encashment to its retired employees. The Board is working for the welfare of the women and the children of the State. State of Himachal Pradesh being a Welfare State and it having conveyed its approval for the payment of gratuity by aforesaid letter of 16th August, 1977 and also there being no denial that the Petitioners are entitled to leave encashment also, writ petitions are disposed of, with a direction to Respondent No. 2 to release requisite amount of money, by way of grant, in favour of Respondent No. 5-Board, so that claims of the Petitioners for retirement gratuity and leave encashment are satisfied. The direction be complied with within three months.

6. Total amount, which is required to be released to satisfy the claims of the present Petitioners, works out at Rs. 22,11,184.00 as per detail given below, which has been culled out from the documents filed by Respondent No. 5, i.e. Annexures R-1 and R-2:

Sr. No.	Name of the retired Employee to whom/ in respect of whom money is due, on account of gratuity/ leave encashment.	Money due on account of gratuity	Money due on account of leave encashment	Total
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1.	Maheshwari Devi	77,038.00	71,810.00	1,48,848.00
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2.	Kanta Devi	2,79,923.00	1,69,650.00	4,49,573.00
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3.	Sushila Devi	2,55,272.00	1,54,710.00	4,09,982.00
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4.	Basanti Devi	2,63,934.00	1,59,960.00	4,23,894.00
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5.	Joginder Kaur	2,72,613.00	72,146.00	3,44,759.00
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6.	Sita Ram Verma	2,53,358.00	1,80,770.00	4,34,128.00
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Grand Total				22,11,184.00
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All the writ petitions stand disposed of. Pending application, if any, also stand disposed of, having become infructuous.