

(2023) 05 SHI CK 0205

In the High Court Of Himachal Pradesh

Case No : Civil Writ Petition No.2111 Of 2023

Kewal Singh

APPELLANT

Vs

Himachal Road Transport Corporation And Another

RESPONDENT

Date of Decision : 30-05-2023

Acts Referred:

Citation : (2023) 05 SHI CK 0205

Hon'ble Judges : Tarlok Singh Chauhan, J;Virender Singh, J

Bench : Division Bench

Advocate : Manohar Lal Sharma, Shubh Mahajan

Judgement

Tarlok Singh Chauhan, J

1. Notice. Ms. Shubh Mahajan, learned counsel, appears and waives service of notice on behalf of the respondents.

2. The instant petition has been filed for grant of the following substantive relief(s):-

“(i). That the writ in the nature of mandamus may very kindly be issued to the respondent corporation to pay the overstayal allowance to the petitioner w.e.f. 01.03.2015 to 05.09.2020 with interest @ 12% per annum as per the judgment passed by this Hon’ble Court in CWP No.3097/2014 titled as Devender Chauhan versus HRTC and another, decided on 01.04.2015, contained in Annexure P-4.

(ii) That the respondent No.1 may kindly be directed to decide the representation dated 01.12.2022 (Annexure P-5) within a time bound manner.”

3. According to the learned counsel for the petitioner, the issue in the instant petition is no longer res integra as it stands squarely covered by the judgment rendered by this Court in CWP No. 3097 of 2014, titled as Devender Chauhan vs. Himachal Road Transport Corporation and another, decided on 1.4.2015. This is a matter, which is required to be considered by the respondents.

4. Accordingly, without going into the merits of the case, we deem it appropriate to dispose of the instant petition by directing the respondents to consider and decide the case of the petitioner in the light of the aforesaid judgment and, in case, the case of the petitioner is found to be covered by the said judgment, then the same and similar benefits, be also extended to the petitioner herein. Ordered accordingly. The entire exercise be completed by six months.

5. The pending miscellaneous application(s), if any, shall also stand disposed of.