

(2024) 04 SHI CK 0102

In the High Court Of Himachal Pradesh

Case No : Civil Writ Petition No. 2668 Of 2024

Lekh Chand

APPELLANT

Vs

HPTDC & Ors

RESPONDENT

Date of Decision : 25-04-2024

Acts Referred:

Central Civil Services (Pension) Rules, 1972 — Rule 50(1)(b)

Citation : (2024) 04 SHI CK 0102

Hon'ble Judges : Satyen Vaidya, J

Bench : Single Bench

Advocate : Manohar Lal Sharma, Shivank Singh Panta

Final Decision : Disposed Of

Judgement

Satyen Vaidya, J

1. Notice. Mr. Shivank Singh Panta, Advocate, appears and waives service of notice on behalf of the respondents.

2. This writ petition has been filed praying for following substantive reliefs:-

"i) That the petitioner may kindly be held entitled to get gratuity (DCRG) amounting to Rs.20,00,000/- instead of Rs.10,00,000/- keeping in view clause 6.2 of office memorandum dated 25.02.2022 and the respondents may kindly be directed to modify office order dated 06.07.2023 in accordance with office memorandum dated 25.02.2022.

ii) Directions may kindly be issued to the respondents to disburse admissible gratuity (DCRG and leave encashment to the petitioner alongwith interest @9% per annum with effect from due date I.3. 01.05.2023 till the date of its realization."

3. The case of the petitioner is that she retired from service on 30.04.2023, under Office order dated 6th July, 2023 (Annexure P-1) total gratuity due to the petitioner has been calculated as Rs.21,02,769/-, however the sanction has been

accorded by the respondents to grant the petitioner retirement gratuity amounting to Rs.10,00,000/- only. As per the prevalent Rules gratuity cannot exceed a sum of Rs.20,00,000/-. Since, the gratuity as calculated by the respondent corporation payable to the petitioner exceeds Rs.20,00,000/-, it has to be capped at the maximum limit of Rs.20,00,000/- .

4. Learned counsel for the petitioner pointed out office memorandum dated 25th February, 2022, more particularly, para 6.2 thereof which reads as under:-

"6.2 The maximum limit of retirement gratuity and death gratuity is enhanced from Rs.10 lakh to Rs.20 lakh. The revised rates of retirement gratuity and death gratuity shall be admissible w.e.f. 01.01.2016. The first proviso under Rule 50 (1) (b) of CCS (Pension) Rules, 1972 shall stand modified to this extent."

5. In the above background, learned counsel for the petitioner submitted that the case of the petitioner for grant of relief prayed by him is squarely covered under the judgment dated 24.02.2022 delivered in CWP No.6628/2021 (Anil Kumar Goel Vs. The Himachal Pradesh Tourism Development and anr.) and judgment dated 30.12.2022 delivered in CWP No.2740/2022 (Mudit Kumar vs. H.P.T.D.C) alongwith connected matters, wherein directions have been issued to pay gratuity in terms of revised rules. Learned counsel for the petitioner submitted that the petitioner would be content in case a direction is issued to the respondents/competent authority to consider and decide the case of the petitioner for redressal of grievances raised by him in the instant petition in light of the aforesaid judgments within a time bound schedule.

6. The prayer is not opposed by the learned counsel for the respondents.. Having regard with the submissions made by learned counsel for the parties, but without examining the merits of the matter, this writ petition is disposed of by directing the respondents/competent authority to decide the case of the petitioner for the reliefs prayed for by him in light of the aforesaid judgments in accordance with law. This entire exercise shall be carried out within eight weeks from today. Copy of the decision so taken be also communicated to the petitioner. All pending application(s), if any, also stands disposed of.