

(2020) 06 SHI CK 0028

In the High Court Of Himachal Pradesh

Case No : Civil Writ Petition No. 1523 Of 2020

Parmodh Singh

APPELLANT

Vs

H.R.T.C & Ors.

RESPONDENT

Date of Decision : 08-06-2020

Acts Referred:

Citation : (2020) 06 SHI CK 0028

Hon'ble Judges : Tarlok Singh Chauhan, J; Jyotsna Rewal Dua, J

Bench : Division Bench

Advocate : Varun Thakur, Shyam S. Chauhan

Final Decision : Disposed Of

Judgement

Tarlok Singh Chauhan, J

1. Notice. Mr. Shyam S. Chauhan, learned counsel, appears and accepts service of notice on behalf of the respondents.

2. The writ petition is filed with the following substantive prayer(s):-

"a). That the writ of mandamus may kindly be issued in favour of the petitioner directing the respondents to release all the retiral/pensionary benefits including the monthly pension, the admissible amount of arrears of pension, the amount of commuted pension, G.P.F., leave encashment and gratuity alongwith interest @9% p.a. from the due dated (01-04-2019) to the petitioner, till the actual date of payment, in a time bound manner and in view of the decision of the Division Bench of the Hon'ble High Court of Himachal Pradesh in a case titled as Sh. Nek Ram vs. State of H.P. & Others (CWP No. 3050 of 2014 decided on 17.07.2014) at Annexure P-2.

b). That the writ of mandamus may be issued in favour of the petitioner directing the respondents to re-calculate all the pensionary/retiral benefits of the petitioner on the Dearness Allowance as was admissible at the time of retirement of the petitioner and the difference of balance so calculated may be ordered to

be released to him alongwith interest @ 9% p.a. from the due date (01-04-2019) till the date of realization of whole amount.

(c). That the respondents may also be directed to release the monthly pension amount to the petitioner, in future on 1st day of each month, regularly, in the saving account of the petitioner, in his Bank Account."

3. According to the petitioner, the issue is covered in his favour by the judgment of this Court rendered in CWP No. 3050 of 2014, titled Nek Ram Versus State of H.P. & others, decided on 17.07.2014. Mr. Shyam S. Chauhan, learned Advocate, representing the respondents, concedes that the petitioner is entitled to the reliefs prayed for, in view of the judgment of this Court in Nek Ram's case supra. If that be so, similar treatment be extended to the petitioner herein also as to the petitioner in the above referred decision, in case the petitioner is also similarly situated, within a period of three months from the date of production of a copy of this judgment along with a copy of the writ petition and copy of judgment referred to above, by the petitioner before the respondents.

4. With these observations, the writ petition stands disposed of, so also the pending application(s), if any.