

(2011) 04 SHI CK 0288
In the High Court Of Himachal Pradesh
Case No : CWP No. 455 of 2011

Rajinder Singh Jishtu

APPELLANT

Vs

State of H.P. and Others

RESPONDENT

Date of Decision : 27-04-2011

Acts Referred:

Citation : (2011) 04 SHI CK 0288

Hon'ble Judges : Kurian Joseph, C.J;V.K. Ahuja, J

Bench : Division Bench

Judgement

Kurian Joseph, C.J.—These Writ Petitions are filed by employees who retired from the service of the 3rd Respondent-Corporation with the grievance that their retiral benefits have not been disbursed so far. In many cases their employees have retired around two years back. There are cases where the employees have retired even in 2008. Learned standing Counsel for the Corporation inviting reference to the reply, submits that the Corporation has been passing through financial crisis since last ten years. If that be so, the Government and the Corporation should seriously contemplate as to whether such a Corporation should exist at all. Appropriate audit in terms of its institution, functioning and result thereof is absolutely necessary. The Corporations are meant for service. But, apparently, it is finding difficult even to survive. Be that as it may. Learned Addl. Advocate General, submits that the Government is not in a position to advance any money to the Corporation as of now so as to clear the dues of the Corporation. In these circumstances, it would only be appropriate for the Government to conduct an enquiry as to how these Corporations have incurred such a huge loss over the years and it is high time that such institutions which have incurred and continued to incur huge loss, there should be a second thought as to whether such Corporations or institutions should exist at all, unless for essential services. Accordingly, we direct the Chief Secretary of the State of Himachal Pradesh to look into the matter and do the needful in the light of the observations contained in this judgment expeditiously.

2. It is also seen from the reply that the Government, however, has permitted the Corporation to dispose of its property at Jachh, Amb, Nalagarh and Pesticide Unit at Parwanoo at market value and get revenue to meet the financial requirements of the Corporation. Learned Counsel for the Corporation submits that steps have already been taken to dispose of one such property and others are in process. There will be a direction to the 3rd Respondent to take expeditious steps to dispose of the property as permitted by the Government and settle the dues to the retired and serving employees. The needful shall be done within a period of four months from today; if not, the dues will carry interest @ 7% from the date of retirement and officers responsible for the delay in the Corporation shall be personally liable for the same. Needless to say that the proper procedure under the law in the matter of disposal of the public property, shall be strictly adhered to.

3. The Writ Petitions are disposed of, so also the pending application(s), if any.

4. A copy of this judgment, duly authenticated by the Court Master, shall be supplied to the Learned Advocate General for compliance by the quarter concerned.