

(2012) 06 SHI CK 0160
In the High Court Of Himachal Pradesh
Case No : CWP No. 4030 of 2012-C

Ram Swaroop

APPELLANT

Vs

State of H.P., Conservator of Forest Wild Life Division, Shimla,
District Shimla, H.P., Divisional Forest Officer Wild Life
Division, Shimla, Tehsil and District Shimla, H.P. and
Accountant General, Himachal Pradesh, Shimla, District
Shimla-171003

RESPONDENT

Date of Decision : 11-06-2012

Acts Referred:

Citation : (2012) 06 SHI CK 0160

Hon'ble Judges : Kurian Joseph, C.J.; Dharam Chand Chaudhary, J

Bench : Division Bench

Advocate : Raju Ram Rahi, for the Appellant; R.K. Bawa, Advocate General with
Mr. J.K. Verma, D.A.G., for the Respondent

Judgement

Justice Kurian Joseph, C.J.—The writ petition is filed with the following prayer:

(iv) That a writ in the nature of Mandamus may kindly be issued, directing the respondents to pay the Gratuity for the period w.e.f. 1-1-1980 to 23-1-1998 (period rendered under daily wage basis) under the payment of Gratuity Act, 1972 i.e. for period of 18 years as per the law laid down by the Hon'ble Supreme Court in H. Gangahanume Gowda Vs. Karnataka Agro Industries Corpn. Ltd., as well as Judgment rendered by this Hon'ble Court in CWP No. 150/2004 in case State of H.P. Versus Lashkari Ram.

According to the petitioner, the issue regarding entitlement for gratuity is covered by the decision of this Court in State of H.P. vs. Lashkari Ram in CWP No. 150 of 2004 and followed in many other cases.

2. Learned Deputy Advocate General points out that the factual aspects are to be verified by the competent authority. In case the petitioner is similarly situated, he will not be discriminated and the matter will be duly considered by the first

respondent/competent authority in the light of the judgment, referred to above and appropriate action, in accordance with law, by disbursing the eligible benefits by way of gratuity, will be taken within another three months from the date of receipt of the representation alongwith a copy of this judgment and the copy of the judgment, referred to above by the petitioner. The writ petition is disposed of, so also the pending application(s), if any.