

(2022) 12 SHI CK 0003

In the High Court Of Himachal Pradesh

Case No : Civil Writ Petition No. 8342 Of 2021

Sarvan Kumar And Another

APPELLANT

Vs

Himachal Road Transport Corporation Ltd

RESPONDENT

Date of Decision : 01-12-2022

Acts Referred:

Citation : (2022) 12 SHI CK 0003

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

Bench : Division Bench

Advocate : Ajay Sharma, Athrav Sharma, Shyam Singh

Judgement

Tarlok Singh Chauhan, J

1. Notice. Mr. Shyam Singh Chauhan, Advocate, appears and waives service of notice on behalf of the respondent.

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

"i. That the respondent-Corporation may also very kindly be directed to consider and grant pension after re-fixation of pay after grant of two additional increments and further directions may also be given to the respondent-Corporation to pay arrears of the

1 Whether the reporters of Local Papers may be allowed to see the judgment? Yes. pension to the petitioners alongwith interest @ 9% per annum till actual payment;"

3. Learned counsel for the petitioners states that the issue in question is squarely covered by the judgment rendered by this Court in CWP No. 4167 of 2019 titled as Himachal Road Transport Corporation vs. Suresh Kumar and others, decided on 29.11.2021 which judgment in turn has been affirmed by the Hon'ble Supreme Court with the dismissal of the SLP (C) Diary No(s). 21537/2022 vide order dated 16.08.2022. This is a matter which is required to be considered by the employer/respondents.

4. Accordingly, without going into the merits of the case, we deem it appropriate to dispose of the instant petition by directing the respondent to consider and decide the case of the petitioners in light of the judgment in Suresh Kumar's case (supra) and in case the claim of the petitioners is found to be covered by the said judgment, then same and similar benefits, as granted in Suresh Kumar's case (supra) be also granted in favour of the petitioners within a period of six weeks from today. Ordered accordingly. Pending application(s), if any also stands disposed of.

5. For compliance, to come up on 27.12.2022.