

(2021) 12 SHI CK 0032

In the High Court Of Himachal Pradesh

Case No : Civil Writ Petition No. 6855 Of 2021

Som Prabha

APPELLANT

Vs

Himachal Pradesh Tourism Development Corporation Ltd And
Others

RESPONDENT

Date of Decision : 06-12-2021

Acts Referred:

Citation : (2021) 12 SHI CK 0032

Hon'ble Judges : Sabina, J;Jyotsna Rewal Dua, J

Bench : Division Bench

Advocate : Om Parkash Goel, Naresh Kaul

Final Decision : Disposed Of

Judgement

Sabina, J

1. This petition has been filed by petitioner Som Prabha, who retired from services of the Himachal Pradesh Tourism Development Corporation Ltd. on 31.05.2020. According to the petitioner, she was entitled to payment of gratuity to the tune of Rs.5,03,058/- and leave encashment of Rs.3,58,476/-, which were sanctioned to him by the respondents vide order dated 02.09.2020.

2. Learned counsel for the petitioner has relied on the judgment dated 17th July, 2014, passed by this Court in CWP No.3050 of 2014, titled Nek Ram vs. State of Himachal Pradesh and others and submits that the respondents should be directed to pay the retiral benefits together with interest at the rate of 9% per annum from the due date.

3. On the other hand, learned counsel for the respondents has submitted that the judgment passed in Nek Ram case (supra) pertains to the retired employee of Himachal Pradesh Road Transport Corporation. He has also cited order passed by this Court on 23.11.2021 in CWP No.6034 of 2021, titled Ram Lal vs. The Himachal Pradesh Tourism Development Corporation Ltd. & another, pertaining to retired employee of Himachal Pradesh Tourism Development Corporation Ltd. He

submitted that so far as the gratuity is concerned, it always carries statutory interest alongwith interest till the time of actual payment and therefore, there is no question of any separate order for payment of interest being passed. Even then, this Court taking into consideration the huge financial difficulty, being faced by the respondent-Corporation granted the period of six months for payment of all other retiral benefits/dues with the stipulation that if the same is not paid within that period, it shall be paid alongwith interest at the rate of 9% per annum beyond the period of six months till actual payment.

4. Having heard the learned counsel for the parties, perusing the aforesaid orders passed by this Court and considering the fact that gratuity and leave encashment are still to be paid to the petitioner and statutory interest is always payable to the petitioner on the amount of gratuity till the actual payment is made, we deem it appropriate to direct the respondents to make payment of gratuity and leave encashment to the petitioner within a period of six months from today. For gratuity, the petitioner shall be entitled to differential amount of interest between the amount of interest statutorily payable to the petitioner as per the Payment of Gratuity Act and the interest of 9% per annum for the period of delay beyond six months. Payment of leave encashment beyond six months shall carry 9% interest per annum.

The writ petition stands disposed of in the above terms. Pending miscellaneous application(s), if any, also stand disposed of.