(2021) 01 SHI CK 0194

In the High Court Of Himachal Pradesh

Case No : Civil Writ Petition No. 121, 122, 123, 124, 125 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138 187, 188, 189, 190, 191, 192, 195 Of 2021

Usha Devi And Ohers — APPELLANT

Vs

Himachal Road Transport Corporation And Another — RESPONDENT

Date of Decision : 07-01-2021

Acts Referred:

Citation : (2021) 01 SHI CK 0194

Hon'ble Judges : L. Narayana Swamy,CJ;Ravi Malimath, J

Bench : Division Bench

Advocate : Shivendra Singh, Shyam Singh Chauhan

Final Decision : Disposed Of

Judgement

L. Narayana Swamy, CJ

1. Learned counsel for both the parties submit that the case of the petitioner(s) is squarely covered by the judgment dated 02.11.2020, passed by this

Court in CWP No.4471/2020, titled Gian Chand versus HRTC and others, alongwith connected matters, and pray that the instant writ petitions may be

disposed of in terms of the aforesaid judgment.

2. In Gian Chandâ??s case supra, this Court had passed the following order:-

â??3. Ms. Shubh Mahajan, leaned Senior Counsel representing the respondent-Corporation, submits that out of total strength of 9691 employees, 6739

employees have retired from service and monthly retiral benefits have been paid to 6516 employees. It is further submitted that the monthly pension of

remaining 223 employees would be paid regularly from the end of this month. In respect of retiral benefits, learned Senior Counsel submits that it includes commutted pension, DCRG, leave encashment and arrears.

4. In the affidavit dated 29th October, 2020, it has been stated that the Board of Directors of respondent-Corporation have approved the creation of

separate Pension Account, directing to transfer 7% of the passenger receipt on daily basis to the said account and the decision of the Board of

Directors was implemented w.e.f. 06.03.2019.

5. Though it is the duty of the respondent-Corporation to pay retiral benefits immediately after superannuation, but because of Corona pandemic the

respondent-Corporation has not collected revenue since lock-down. Virtually for more than six months regular income has come down to a few lakhs

in place of crores. For the said reason, the respondent-Corporation find it difficult to settle the retiral benefits.

6. Learned Senior Counsel submits that: (i) in respect of leave encashment and DCRG, principal amount of DCRG upto October 2017 and principal

amount of leave encashment upto August 2016 stands paid. Post March 2021 whatever funds shall be collected, will be disbursed in the order of

retirement. However, in respect of leave encashment and DCRG, whosoever approaches the respondent-Corporation in exceptional circumstances

i.e. death cases, marriage of the children, education of the children, serious ailments and repayment of house loan, the same shall be considered as an

exceptional case and disbursed at the earliest; (ii) in respect of 223 retired employees, the commutted value would be paid within four months from

today strictly in order of retirement; and (iii) it is further submitted by the learned Senior Counsel on instructions from the officers, who are present in

Court, that the arrears on the entire delayed payment will be paid with statutory interest on the entire amount.â??

3. In view of the above, we deem it proper to dispose of the present writ petitions with a direction to the respondents to pay the entire retiral dues,

along with statutory interest, to the petitioner(s) on the entire amount on or before 30th April, 2021.

4. Pending miscellaneous application(s), if any, shall also stand disposed of.

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