
(2011) 11 SHI CK 0297
In the High Court Of Himachal Pradesh
Case No : COPC No. 417 of 2011

Vijay Kumar and others

APPELLANT

Vs

Shri Mohan Chauhan and others

RESPONDENT

Date of Decision : 29-11-2011

Acts Referred:

Citation : (2011) 11 SHI CK 0297

Hon'ble Judges : Sanjay Karol, J;Kurian Joseph, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

Justice Kurian Joseph, C.J.—The complaint is that the judgment of the learned Single Judge has not been complied with. The matter pertains to gratuity. Shri N.K. Sharma, Executive Engineer, HP PWD, Sarkaghat is present. It is submitted that an amount of Rs.26,331/- has already been disbursed. But the learned counsel for the petitioners points out that the same has not carried interest. It is seen from the order passed by the Appellate Authority, which has been affirmed by the learned Single Judge. The said amount of Rs. 26,331/- has been arrived at by calculating admissible gratuity of Rs.13005/- for the regular service and for the daily waged service, gratuity has been taken up as 4061/-. For the regular service, the arrears have been granted interest at the rate of 10% and for the daily waged service, interest has been granted upto 9%. We find from the records that the interest has been worked out by the Appellate Authority only till the date of passing the appellate order, namely, 25th September, 2007. Therefore, the principal amount of Rs.13005/- should carry interest at the rate of 10% from 2007 to 2011 and the gratuity for the daily waged service, namely, Rs.4061/- should carry interest at the rate of 9% from September 2007 to 2011.

2. On calculation, we find that the total interest liability would come to Rs.6800/- (rounded off). For the proper implementation of the judgment in letter and spirit, interest is also liable to be paid to the petitioners. Therefore, there will be a direction to the Executive Engineer to disburse a further amount of Rs.6800/- to

the petitioners within six weeks from today. If the amount is not thus disbursed, it will carry interest at the rate of 10% and the same will be personal liability on the respondents.

3. In view of the submission of the learned Additional Advocate General that it is only on account of bonafide mistake on the part of the respondents in not understanding the spirit of the judgment that the delay and the underpayment occurred, we do not find any contumacious conduct on the part of the respondents. Therefore, the COPC is dismissed and the rule is discharged.

Authenticated copy to the petitioners to be placed before the third respondent for compliance, immediately.