

(2010) 07 SHI CK 0077
In the High Court Of Himachal Pradesh

Yashvir Singha

APPELLANT

Vs

Himachal Pradesh Horticultural Produce Marketing and
Processing Corporation Limited

RESPONDENT

Date of Decision : 23-07-2010

Acts Referred:

Citation : (2010) 07 SHI CK 0077

Hon'ble Judges : Kurian Joseph, C.J.;Rajiv Sharma, J

Bench : Division Bench

Judgement

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

(i) That the impugned action of the respondent whereby they have withheld the amount of Gratuity and Leave encashment as per order of sanction (Annexure P-2) may kindly be quashed and set aside while issuing the writ of Certiorari.

(ii) That the respondent may be directed to pay the entire amount of Gratuity and Leave Encashment amounting Rs. 6,54,370/- as per sanction order dated 16.06.2009(Annexure P-2) alongwith interest @12% per annum from the due date till actual payment by issuing a writ of Mandamus.

2. Having heard the learned Counsel for the respondents, we do not find any formidable ground for not releasing the payment except the submission that the respondent-Corporation does not have sufficient resources. Learned Counsel submits that the matter has been taken up with the Government. Therefore, the writ petition is disposed of, making it clear that before making any further financial commitment of payment to the tune of rupees five lacs or above, the pensionary benefits due to the petitioner shall be disbursed.

3. The petition stands disposed of, so also the pending application(s).