

IN THE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA

CWP No.279 of 2023
Decided on:20.03.2023

Deepak Thakur Petitioner

Versus

Himachal Road Transport Corporation
 and Others ...Respondents

Coram:

Hon'ble Ms. Justice Sabina, Acting Chief Justice.
Hon'ble Mr. Justice Satyen Vaidya, Judge.

Whether approved for reporting?

For the petitioner : Mr. K.C. Chauhan, Advocate.

For the respondents : Ms. Reeta Thakur, Advocate.

Sabina, Acting Chief Justice (Oral).

Petitioner has filed the petition under Article 226 of the Constitution of India, seeking the following relief(s):-

- “(i). *That writ of mandamus may kindly be issued and the respondents may kindly be directed to release the interest on the delayed payment of Death-cum-Retirement Gratuity, Leave Encashment, G.P.F. and arrear of pension @ 9% per annum w.e.f. 01.04.2019 till the date of payments, as per the ratio laid down by the Hon'ble High Court of Himachal Pradesh in CWP No.3050/2014 titled as Nek Ram v/s State of H.P. & others.*

- (ii). *That writ of mandamus may kindly be issued and the respondents may kindly be directed to release the arrear of Dearness Allowance from the due date and as enhanced by the Government/Corporation from time to time alongwith upto date interest.*
- (iii). *That writ of mandamus may kindly be issued and the respondents may kindly be directed to release the arrear of revised pay, pension, D.C.R.G., Leave Encashment etc. alongwith interest @ 9% per annum from the due date till payment in favour of the petitioner.*
- (iv). *That writ of mandamus may kindly be issued and the respondents may kindly be directed to grant family pension to Smt. Pano Devi, mother of Late Shri Ramesh Kumar and grandmother of petitioner from the due date.”*

2. After hearing learned counsel for the parties, we are of the opinion that this petition is liable to be disposed of in terms of the decision given in *CWP No.4321 of 2021, titled **Moti Lal Sharma versus Himachal Road Transport Corporation and another*** and connected matter, decided on 29.11.2021. The operative part of the said order reads as under:-

“5. We are, therefore, persuaded to dispose of these writ petitions with a direction to the respondents to pay the petitioners the gratuity with actual rate of interest

as per applicable rules, till the time of actual payment. Apart from that, the respondents shall also pay to the petitioners the due statutory benefits, other retiral benefits and amount of leave encashment alongwith applicable interest, all of which, shall be paid to them within a period of six months from today. The due amount of payment, if delayed beyond six months, it shall be paid with interest at the rate of 9% per annum till the date of its actual payment.”

3. Accordingly, this petition is disposed of with a direction to the respondents to pay the entire due retiral benefits to the petitioner strictly in terms of the directions given in the aforesaid order dated 29.11.2021, passed in CWP No.4321 of 2021, within a period of six months from today.

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

**(Sabina)
Acting Chief Justice**

**March 20, 2023
(Yashwant)**

**(Satyen Vaidya)
Judge**