

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA
CWP No.13331 of 2026

Decided on: 11th August, 2026

Sudhrashan Kumar

....Petitioner

Versus

HRTC and another

...Respondents

Coram

Hon'ble Mr. Justice Jiya Lal Bhardwaj, Judge

*Whether approved for reporting?*¹

For the petitioner:

Mr. Vipul Sharda and Mr. Raditya
Katoch, Advocates.

For the respondents:

Mr. Rahul Thakur, Advocate.

Jiya Lal Bhardwaj, Judge *(Oral)*

Notice. Mr. Rahul Thakur, learned counsel, appears
and waives service of notice on behalf of the respondents.

2. By way of present petition, the petitioner has prayed
for the following substantive reliefs:-

"(i) That the respondents may kindly be directed to pay the full amount of Gratuity, GPF and leave encashment, alongwith interest @9% per annum on the pending dues under law.

(ii) That the respondents may very kindly be directed to extend the benefit of the judgment passed by this Hon'ble Court in Nek Ram Versus State of H.P. & others, C.W.P. 3050 of 2014, decided on 17.07.2014, Annexure P-2 to the petitioner forthwith with all consequential benefits."

3. Keeping in view the fact that the petitioner has

¹ Whether reporters of Local Papers may be allowed to see the judgment?

prayed to extend him the benefit of judgment passed by this Court in CWP No. 3050 of 2014, titled, ***Nek Ram vs. State of H.P. and others***, the petition is being disposed of considering the averments made in the writ petition.

4. The petitioner was appointed as a Head Mechanic in the respondent-Corporation and after rendering satisfactory service, retired after attaining the age of superannuation on 31.05.2025. After his retirement, the respondent-Corporation has not paid the retiral benefits to him.

5. It is by now settled in catena of judgments of the Hon'ble Supreme Court that the employer is under obligation to release the retiral benefits to its employees within the stipulated period as prescribed under the Central Civil Services (Pension) Rules, 1972 (in short "CCS (Pension) Rules").

6. Learned counsel appearing for the respondent-Corporation has submitted that in case there is any delay in payment of gratuity, pension and leave encashment, each of them carries statutory interest till the date of actual payment. In other words, he has contended that if there is any fault on the

part of the respondent-Corporation, the petitioner is entitled to interest.

7. Admittedly, the petitioner has retired from service on 31.05.2025 and more than one year has elapsed. If the petitioner has not been paid any retiral benefits, the respondent-Corporation is under obligation to pay the retiral benefits to him alongwith statutory benefits under the CCS (Pension) Rules.

8. Consequently, the present petition is allowed and the respondent-Corporation is directed to pay the retiral dues to the petitioner within a period of six months alongwith statutory interest as per CCS (Pension) Rules and, in case, the retiral benefits are not paid to him within a period of six months from today, the respondent-Corporation shall be liable to pay interest thereon @9% per annum from the due date till actual payment.

9. The petition is accordingly disposed of. Pending application(s), if any, shall also stand disposed of.

11th August, 2026
(ankit)

(Jiya Lal Bhardwaj)
Judge