

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP-13416-2015 (O&M)
Date of decision : 08.07.2015

Balwant Singh and others

...Petitioners

Versus

PEPSU Road Transport Corporation

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Vikas Chatrath, Advocate for the petitioners.

JITENDRA CHAUHAN, J. (Oral)

By way of filing the instant petition under Articles 226/227 of the Constituion of India, the petitioners have sought release of their retiral benefits from the respondent-Pepsu Road Transport Corporation (PRTC).

The learned counsel for the petitioners submits that for the redressal of their grievance, the petitioners have served legal notice, Annexure P-1, however, the same has not been decided so far.

This Court in “Ashok Kumar Vs. PEPSU Road Transport Corporation and others”, bearing CWP No.6971 of 2013, and other connected petitioners, passed the following order on 08.04.2015:-

At the very outset, the learned Senior counsel for respondent-PRTC, states that the respondent faced with scarcity of funds, made a

statement before a Coordinate Bench of this Court in COCP No.3059 of 2012, that the amount claimed by the retired employees of PRTC shall be paid to them, by following the principle of seniority, which shall be reckoned from the respective dates of retirement. He proposes that the case of the present petitioners will also be dealt with on the same lines.

However, this Court is not impressed by the argument raised by the learned counsel for the respondent, particularly, when the petitioners were not party to the settlement arrived at between the parties in COCP No.3059 of 2012.

It has further been brought to the notice of this Court by Mr. Gagneshwar Walia, Advocate that PRTC is now running in profits and achieving its performance target as per the information received under the Right to Information Act, which has not been specifically denied by the counsel for the PRTC. A copy of the RTI information is taken on record as Annexure C-1.

The blood and sweat of the petitioners have moved the wheels of the respondent corporation. The State is ought to act as a model employer in a welfare state. The denial or deferment of the payment that has accrued in their favour on superannuation is neither desirable nor justifiable on the ground laid by the learned Senior counsel for the corporation. The corporation with the team of qualified staff is headed by the senior officer of the State. In this backdrop, the question is as to how and why the corporation's financial health is so bad,

whereas, all the private players have been making huge profits in the business of transportation.

Faced with the situation, the learned Senior counsel, on instructions, states that the entire dues will be paid to the present petitioners within four months from the date of receipt of a certified copy of this order.

On the statement so made, the learned counsel for the petitioners seek permission to withdraw their respective petitions. The prayer is allowed and the present writ petitions are dismissed as withdrawn.

However, it is made clear that in case, the payment is not made within the stipulated period, the present petition(s) shall be deemed to have been revived, without notice.”

As the relief sought in the present petition is similar to the prayer made in CWP No.6971 of 2013 and other connected matters, the present petition is disposed of with a direction to the respondent to examine the case of the petitioners in view of order dated 08.04.2015, passed in CWP No.6971 of 2013, if found entitled, release the retiral benefits to the petitioners. The entire exercise be concluded within a period of four months from the date of receipt of a certified copy of this order.

08.07.2015
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(JITENDRA CHAUHAN)
JUDGE