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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 1810 of 2015 (O/M)
Date of decision : 30.11.2016

Sukhpal Singh

..... Petitioner (s)

Versus

PEPSU Road Transport Corporation

..... Respondent (s)

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Divyadeep Walia, Advocate, for the petitioner.

Mr. Karan Singla, Advocate, for respondent.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

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KULDIP SINGH J. (ORAL)

The petitioner retired from PEPSU Road Transport Corporation, Bathinda Depot, on 30.4.2012 as a Conductor. His claim is for release of gratuity, leave encashment, general provident fund, overtime allowance and arrears of dearness allowance alongwith interest.

In the reply, the respondents have taken the stand, which is not controverted by the petitioner that the payments for gratuity, general provident fund, pay revision arrears first installment, second installment and leave encashment have been paid though these were paid with delay. It is admitted that the pay revision arrears for third installment amounting to Rs. 27,824/-, dearness allowance arrears amounting to Rs. 13,811/- and overtime amounting to Rs. 55,712/- are still unpaid.

The learned counsel for respondent contends that due to poor financial health of the respondent-Corporation, the said unpaid amounts

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could not be paid and are being paid as per the seniority.

I am of the view that the poor financial health of the Corporation itself is no ground. However, considering the financial hardship of the respondent and the fact that the respondent undertakes to pay the said unpaid amounts within three months, the respondent is directed to pay the said unpaid amounts to the petitioner within three months from the date of receipt of certified copy of this order. Keeping in view the poor financial health of the respondent-Corporation, no interest is allowed on the arrears paid late. However, if the unpaid amounts are not released within three months, the respondent will pay 9% per annum interest on the unpaid arrears till the date of payment.

The present writ petition is accordingly allowed.

(KULDIP SINGH)
JUDGE

30.11.2016
sjks

Whether speaking / reasoned : Yes

Whether Reportable : No