IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.6203 of 2020.

Date of Decision : 24th December, 2020.

Jan Mohammad **...Petitioner.**

Versus

H.R.T.C. & another **...Respondents.**

Coram:

The Hon'ble Mr. Justice L. Narayana Swamy, Chief Justice
The Hon'ble Mr. Justice Anoop Chitkara, Judge.

Whether approved for reporting?[1] *No.*

For the petitioner : Mr. Sudhanshu Jamwal, Advocates

For the respondents : Mr. Ajay Chauhan, Advocate.

COURT PROCEEDINGS CONVENED THROUGH VIDEO CONFERENCE

Anoop Chitkara, Judge (oral).

A retired Driver, who worked with the respondent Himachal Road Transport Corporation till 31.3.2019, has come up before this Court seeking directions for release of his entire retiral dues including pension, gratuity (DCRG), leave encashment etc. along with interest.

2. Notice. Mr. Ajay Chauhan, Advocate appears and waives service on behalf of the respondents.

3. Learned standing counsel for HRTC states that this Court has passed a detailed order in CWP No.4471 of 2020 and similar orders be passed in this petition.

4. Given the nature of the order, we propose to pass no written instructions/response is required to be filed from the respondents.

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

5. In CWP No.4471/2020 titled Gian Chand Vs, HRTC and others, after hearing the management of the HRTC, we had passed the following order:

> "3. Ms. Shubh Mahajan, leaned Senior Counsel representing the respondent-Corporation, submits that out of total strength of 9691 employees, 6739 employees have retired from service and monthly retiral benefits have been paid to 6516 employees. It is further submitted that the monthly pension of remaining 223 employees would be paid regularly from the end of this month. In respect of retiral benefits, learned Senior Counsel submits that it includes commutted pension, DCRG, leave encashment and arrears.
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> 4. In the affidavit dated 29th October, 2020, it has been stated that the Board of Directors of respondent-Corporation have approved the creation of separate Pension Account, directing to transfer 7% of the passenger receipt on daily basis to the said account and the decision of the Board of Directors was implemented w.e.f. 06.03.2019.
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> 5. Though it is the duty of the respondent-Corporation to pay retiral benefits immediately after superannuation, but because of Corona pandemic the respondent-Corporation has not collected revenue since lock-down. Virtually for more than six months regular income has come down to a few lakhs in place of crores. For the said reason, the respondent-Corporation find it difficult to settle the retiral benefits.
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> 6. Learned Senior Counsel submits that: (i) in respect of leave encashment and DCRG, principal amount of DCRG upto October 2017 and principal amount of leave encashment upto August 2016 stands paid. Post March 2021 whatever funds shall be collected, will be disbursed in the order of retirement. However, in respect of leave encashment and DCRG, whosoever approaches the respondent-Corporation in exceptional circumstances i.e. death cases, marriage of the children, education of the children, serious ailments and repayment of house loan, the same shall be considered as an exceptional case and disbursed at the earliest; (ii) in respect of 223 retired employees, the commutted value would be paid within four months from today strictly in order of retirement; and
> (iii) it is further submitted by the learned Senior Counsel on instructions from the officers, who are present in Court, that the arrears on the entire delayed payment will be paid with statutory interest on the entire amount."

6. Given above, we take on record the submissions of the learned counsel for the respondent and direct that the respondents shall pay to the petitioner the entire retiral dues along with statutory interest on the entire amount on or before 30.4.2021.

7. Accordingly, this petition shall stand disposed of along with pending application(s), if any.

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(L. Narayana Swamy)
Chief Justice.

24th December, 2020
(mamta)

(Anoop Chitkara)
Judge