IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.3336 of 2024

Date of decision: 25.04.2024

Rajender Kumar Upadhyay ...Petitioner.

Versus

H.P. State Electricity Board Ltd. ...Respondent.

Coram:

The Hon'ble Mr. Justice Satyen Vaidya, Judge.

Whether approved for reporting?[1]

For the petitioner : Mr. Parkash Sharma, Advocate.

For the respondent : Mr. Ravinder Thakur, Advocate.

Satyen Vaidya, Judge (Oral):

The petitioner, who has retired from the post of Joint Secretary (Law) from the respondent/Board, has approached this Court by way of present petition filed under Article 226 of the Constitution of India, prayed therein for the following substantive relief(s):-

> *"(i) That the order dated 02.03.2024, Annexure P-4, issued by the respondent Board may kindly be quashed and set aside and respondent be directed to release the amount of arrears of pay and pension, leave encashment which became due as a result of revision of pay scales w.e.f. 1.1.2016 at once in one installment along with interest*

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

thereon @ 9% from the date it became due till the amount is actually paid;

(ii) That the respondent Board may kindly be directed to release the differential amount of commutation and revised Gratuity at Annexure P-3 immediately in one installment along with interest @9%."

2. Subsequent to his retirement/superannuation office order was issued revising the petitioner's pay scale with effect from 01.01.2016 in pursuance to Himachal Pradesh State Electricity Board (Pay Revision), Regulations, 2022, circulated by the respondent vide the Head Office Memorandum 12.04.2022. Consequently, the petitioner became entitled to get arrears of revised pay w.e.f. 01.01.2016 to 30.09.2017, but the same, according to the petitioner, has not been paid to him till date. This fact has not been disputed by learned counsel for the respondent.

3. That apart, pension, gratuity, leave encashment and commutation of pension benefits payable to the petitioner are also required to be revised as per Office Memorandum dated 12.04.2022, issued by the Finance Department for revising the pension, gratuity and leave

encashment of pension of the retired employees after 01.01.2016. The petitioner alleges that this has also not been done.

4. However, learned counsel for the petitioner has also placed reliance on order dated 31.05.2023 of the Hon'ble Division Bench of this Court in CWP No.2108 of 2023. In the said judgment, Hon'ble Division Bench has observed as under:-

> *"Having regard to the reasons assigned in the said order and since the case of the petitioner in the instant case is also on the similar footing, the instant writ petition is also allowed by directing the respondents to pay arrears of pay as per the revision of the pay scales w.e.f. 01.01.2016 to 30.11.2020 with interest @ 6% per annum from the due date till the date of its realization as per Annexure P-2. A further direction is also issued to the respondents to revise the pension, gratuity (DCRG) and leave encashment, as per Annexure P-2 and to pay the same along with interest @ 6% per annum to the petitioner w.e.f. the due date i.e. 01.12.2020, till the date of its realization. Pending miscellaneous application(s), if any, also stand disposed of accordingly."*

5. Both learned counsel have agreed that this Court had granted relief to similarly placed petitioners in CWP No.2108 of 2023 on 31.05.2023 and in CWP No.2421 of 2023 on 15.06.2023. Therefore, this writ petition is allowed for reasons alike and the respondents are directed to pay arrears of pay as per the revision of pay scales w.e.f. 01.01.2016 to 30.09.2017 with interest @ 6% per annum from the due date till the date of its realization and they shall also revise the pension, commutation, gratuity and leave encashment and pay the same alongwith interest @ 6% per annum to the petitioner w.e.f. 01.01.2016 till the date of its realization, within a period of six weeks from today.

Pending miscellaneous application, if any, also stand disposed of.

(Satyen Vaidya)
Judge

25th April, 2024
(Pardeep)