IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.4466 of 2024

Date of decision: 22.05.2024

Bali Ram. ...Petitioner.

Versus

State of H.P. & Ors. ...Respondents.

Coram:

The Hon'ble Ms. Justice Jyotsna Rewal Dua, Judge.

Whether approved for reporting?[1]

For the petitioner : Mr. Sanjay K. Sharma and Mr. Sanjay Gandhi, Advocate.

For the respondents : Mr. L.N. Sharma, Mr. Y.P.S. Dhaulta and Mr. Dalip K. Sharma, Additional Advocates General.

Jyotsna Rewal Dua, Judge (Oral):

Notice. Mr. L.N. Sharma, Additional Advocate General, appears and waives service of notice on behalf of the respondents.

2. This writ petition has been filed for the grant of following substantive relief:-

> *"1) That keeping in view of the submissions made here-in-above, that the present Writ Petition may kindly be allowed and the respondents may*

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

kindly be directed to release the arrears of revised pay from 01.01.2016 till 31.12.2016 and arrears of revised pension from 01.07.2019 till 28.02.2022 till the actual payment is made along with 9% interest.

2) That the respondents may kindly be further directed to pay the balance revised gratuity (Death cum Retirement Gratuity) of the Petitioner, revised leave encashment, commutation of revised pension from 01.01.2016 to 31.01.2022 along with rate of 9% rate of interest per annum, to be recovered from the official who was responsible for delay in releasing the due and admissible claim of the petitioner."

3. Learned counsel for the petitioner submitted that the issue raised in these petitions has already been adjudicated in **CWP 7376 of 2023** ***(H.P. Secretariat & other Affiliated Pensioners Welfare Association Vs. State of H.P. & Ors.)*** decided on 22.03.2024 and **CWP No. 6611 of 2023** ***(Surinder Singh Vs. State of Himachal Pradesh and Anr.)*** decided on 19.09.2023, and further that the directions in the aforesaid judgments have already been implemented by the respondents-State. Learned counsel further submitted that the petitioner would be content in

case respondents are directed to examine their cases in light of the aforesaid judgments within a fixed time schedule.

3. Learned Additional Advocate General does not dispute the fact that similar issue as raised in the present petitions, has been adjudicated in the mattera of *H.P. Secretariat & other Affiliated Pensioners Welfare Association* and *Surinder Singh's* cases (*supra*). He further submitted that, however, the facts of the instant cases are required to be verified by the State as also the fact that as to whether the aforesaid judgment has attained finality or not.

4. In view of above submissions, the instant writ petition is disposed of with a direction to the respondents to consider the cases of the petitioner for grant of relief prayed by them and verify the facts of the instant cases vis-à-vis the decision rendered in *H.P. Secretariat & other Affiliated Pensioners Welfare Association's* and *Surinder Singh's* cases (*supra*), within a period of four weeks from today. In case the petitioner is found to be situated similar, to the petitioner in the aforesaid case, then same benefit, as has been given to the petitioners in *H.P. Secretariat & other Affiliated Pensioners Welfare Association's* and *Surinder Singh's* cases

(*supra*), shall be granted to the petitioner in the instant case. The decision so arrived at, shall also be communicated to the petitioner.

Pending miscellaneous application(s), if any, also to stand disposed of.

(Jyotsna Rewal Dua)
Judge

22st May, 2024
(Pardeep)