IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No. 13744/2024
Decided on: 19.12.2024

Naresh Kumar …Petitioner

Versus

HRTC & Ors.. ….Respondents.

……

Coram
Ms. Justice Jyotsna Rewal Dua, Judge.

Whether approved for reporting?[1]

For the petitioner: **Mr. H.S. Rangra, Advocate.**

For the respondents: **Ms. Shrutika Chauhan, Advocate vice Mr. Dheeraj K. Vashista, Advocate.**

***Jyotsna Rewal Dua* , J**

This writ petition has been filed by the petitioner, who had retired from the service of the respondents–Himachal Road Transport Corporation (HRTC), with the prayer that the respondents may be directed to pay the remaining retiral benefits to the petitioner alongwith interest for the delay on part of the respondents.

2. Reliance has been placed on the judgment passed by a Division Bench of this Court in ***CWP No. 3050 of 2014***, titled ***Nek Ram versus State of Himachal Pradesh and others,*** decided on 17.07.2014 and also on a subsequent order of this Court dated 25.08.2021, passed in ***CWP No. 4377 of 2021,*** titled ***Sh. Subhash***

[1] *Whether reporters of the local papers may be allowed to see the judgment?*

Chand versus The Himachal Road Transport Corporation, Shimla and others alongwith connected matters, in which, the respondents were directed to pay the retiral benefits to the petitioners within a period of six months. In case, the required retiral benefits are not paid to the petitioners within the aforesaid period of six months, then in addition to the due statutory benefits, the petitioners shall also be paid interest at the rate of 9% per annum beyond the period of six months till the date of actual payment.

3. In another subsequent order of this Court passed in ***CWP No. 6034 of 2021***, titled ***Ram Lal versus The Himachal Pradesh Tourism Development Corporation Ltd. and another*** and the connected matter, decided on 23.11.2021, the respondents were directed to make payment of gratuity to the petitioners within a period of six months from the date of passing the order. In the event of non-payment of due amount, the petitioners were held entitled to differential amount of interest between the amount of interest statutorily payable to the petitioners as per the Payment of Gratuity Act and the interest at the rate of 9% per annum for the period of delay beyond six months.

4. While disposing of Review Petition No.110 of 2021 on 25.11.2021, preferred against the order dated 09.11.2021 passed in CWP No.6928 of 2021, in which, the aforesaid order dated 25.08.2021 passed in CWP No.4377 of 2021 was relied upon, this

Court has clarified the aforesaid order in the terms that the respondent-Corporation shall be liable to pay entire retiral dues of the petitioner, including gratuity, arrears of pension and leave encashment alongwith prescribed rate of interest, within a period of six months from the due date till the actual payment is made.

5. In view of above, the writ petition is disposed of with a direction to the respondents to pay the amount of remaining retiral benefits to the petitioner with actual rate of interest as per applicable rules, till the time of actual payment, which shall be paid to him within a period of six months from today. The due amount of payment, if delayed beyond six months, shall be paid with interest to the rate of 9% per annum till the date of its actual payment. Pending miscellaneous application(s), if any, shall also stand disposed of.

Jyotsna Rewal Dua
Judge

19th December, 2024
(rohit)