

**IN THE HIGH COURT OF HIMACHAL PRADESH AT  
SHIMLA**

**CWP(T) No. 12477 of 2008**  
**Date of decision: 31.08.2011**

**Ravi Chand Vaid.**

**.....Petitioner.**

**Versus**

**The State of H.P. & others.**

**.....Respondents.**

*Coram*

**The Hon'ble Mr. Justice V.K. Sharma, J.**

<sup>1</sup> Whether approved for reporting? No.

For the petitioner:

Mr. Ranjan Sharma, Advocate.

For the respondents:

Mr. P.K. Sharma, Addl. AG with  
Mr. Anil Jaswal, Dy. AG.

**V.K. Sharma, J.** *(Oral).*

The petition has been filed on the following prayers  
vide para 7(i) to (iv):

- “7(i) That the respondents may be directed to release the Revised Gratuity amount of Rs. 13085/- as in Annexure A-1, forthwith.*
- (ii) That the respondents may be directed to release the Revised Leave Encashment amount of about Rs. 4505/- on account of increase in DA from 55% to 59% on retirement, forthwith.*
- (iii) That the respondents may be directed to give interest @ 18% per annum from the due date of retirement on 31.8.2003/1.8.2003, on the revised DCRG and revised leave encashment amount till realisation forthwith.*
- (iv) That the orders pointing out reduction in admissibility of earned leave from 300 days as in the service book vide Annexure A-2 to 238 days, after 1 year & 2 months of retirement and the recovery on the basis thereof vide Annexure A-4 and A-5, may also be quashed and set aside.”*

2. As the respondents failed to file reply despite several opportunities having been granted, their defence was closed vide order dated 25.08.2011.

3. Prayer (i) with regard to payment of revised gratuity

<sup>1</sup> *Whether reporters of Local Papers may be allowed to see the judgment? No.*

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amounting to ₹ 13085/- is covered under letter 09.06.2004, Annexure A-1. It being so, in case the said sum of ₹ 13085/- has not been paid to the petitioner as yet, the same shall be payable to him alongwith interest @ 9% per annum within three months from the date of production of copy of this judgment by the petitioner before the respondents/competent authority.

4. With regard to prayer (ii), there shall be a direction to the respondents/competent authority to verify the claim and in case the petitioner is found entitled to the same and it remains unpaid, the payment shall be made within the same time alongwith interest as above.

5. As regards prayer (iv), the petitioner shall be at liberty to approach the respondents/competent authority for redressal of his grievance as advised by the Deputy Director of Education, Chamba, H.P., vide letter dated 30.12.2004, Annexure, A-5, who shall consider the same and take a final decision in the matter within the same time as above, in accordance with law, after affording an opportunity of being heard to the petitioner, if so advised. Needless to say that consequential benefits, if any, would follow.

6. In view of the above, the petition stands disposed of, so also pending CMP(s), if any.

**(V.K. Sharma)**  
**Judge**

**31<sup>st</sup> August, 2011**  
(virender)