

IN THE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA

ON THE 30<sup>th</sup> DAY OF OCTOBER, 2021

BEFORE

HON'BLE MR. JUSTICE MOHAMMAD RAFIQ

CHIEF JUSTICE

&

HON'BLE MS. JUSTICE SABINA

CIVIL WRIT PETITION No.6790 of 2021.

Between:-

RAKSHA DEVI  
W/O LATE SH. SURINDER KUMAR,  
R/O VILLAGE AND POST OFFICE  
HATWAS, TEHSIL NAGROTA BAGWAN,  
DISTRICT KANGRA, H.P.

.....PETITIONER

(BY MR. ANUBHAV CHOPRA, ADVOCATE)

AND

1. THE HIMACHAL ROAD TRANSPORT CORPORATION, SHIMLA  
THROUGH ITS MANAGING DIRECTOR, H.P. 171003.
2. THE DIVISIONAL MANAGER,  
HIMACHAL PRADESH ROAD  
TRANSPORT CORPORATION  
PALAMPUR, DISTRICT KANGRA,  
H.P.

.... RESPONDENTS.

(BY MR. AJAY CHAUHAN, ADVOCATE).

*This petition coming on for admission this day, Hon'ble Mr. Justice Mohammad Rafiq, passed the following:*

## **ORDER**

Learned counsel for the petitioner argued that the controversy raised in this matter is squarely covered by a batch decision of this Court dated 17.7.2014 in **CWP No. 3050 of 2014**, titled **Nek Ram vs. State of H.P. & Others**, by which the respondent-corporation was directed to release all the pensionery/retiral benefits to the petitioners and all similarly situated persons within a period of three months together with interest @ 9% per annum from the due date.

2. Learned counsel for the respondent-corporation has submitted that subsequently, when the similar matters came up before a Division Bench of this Court in CWP No. 4377 of 2021 and connected matters, the Court, looking into the facts of the case, directed the respondent-corporation to pay the retiral benefits to the petitioner in those cases, within a period of six months from the date of judgment and further directed that in case the retiral benefits are not paid to the petitioners within the aforesaid time, 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 payment.

3. In view of the aforesaid facts and circumstances, the writ petition is disposed of with a direction to the respondent-corporation to pay all retiral benefits to the petitioner within a period of six months from today. In case such retiral dues are not paid within a period of six months,

the respondent-corporation shall be under obligation to pay interest at the rate of 9% per annum on the entire amount of the retiral dues beyond the period of six months till the date of actual payment. Pending application(s), if any, shall also stand disposed of.

**(Mohammad Rafiq)  
Chief Justice**

**(Sabina)  
Judge**

**October 30, 2021(ps)**