

IN THE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA

CWP No.11762 of 2024

Decided on: 29th October, 2024

Subhash ChandPetitioner

Versus

HPTDC & Ors.Respondents

Coram

Ms. Justice Jyotsna Rewal Dua

¹ *Whether approved for reporting?*

For the petitioner: Mr. Manohar Lal Sharma Advocate.

For the respondents: Mr. Shivank Singh Panta, Additional Advocate General.

Jyotsna Rewal Dua, Judge

Notice. Mr. Shivank Singh Panta, learned Standing Counsel, appears and waives service of notice on behalf of the respondents.

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

“(i) *That the respondents may kindly be directed to pay the arrears of revision of pay scale w.e.f. 01.01.2016 to 30.04.2018 with interest @9% per annum from the due date till the date of its realization.*

(ii) *That the directions may kindly be issued to the*

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

respondent Corporation to revise the gratuity (DCRG) and leave encashment as per Annexure P-1 and to pay the same alongwith interest @ 9% per annum to the Petitioner w.e.f. due date i.e. 01.05.2018 till the date of its realization.

(iii) The respondents may also be directed to pay ADA and balance amount of 50% IR with interest @ 9% per annum from the due date and till the date of its realization.”

3. According to the petitioner, the legal issue involved in the case has already been adjudicated upon. The grievance of the petitioner is that his representation dated 20.08.2024 (Annexure P-8) has still not been decided by the respondents/competent authority.

4. Once the legal principle involved in the adjudication of present petition has already been decided, it is expected from the welfare State to consider and decide the representation of the aggrieved employee within a reasonable time and not to sit over the same indefinitely compelling the employee to come to the Court for redressal of his grievances. This is also the purport and object of the Litigation Policy of the State. Not taking decision on the representation for months together would not only give rise to unnecessary multiplication of the litigation, but would also bring in

otherwise avoidable increase to the Court docket on unproductive government induced litigation.

5. In view of the above, this writ petition is disposed of by directing the respondents/competent authority to consider and decide the aforesaid representation of the petitioner in accordance with law within a period of six weeks from today. The order so passed be also communicated to the petitioner.

The writ petition stands disposed of in the above terms, so also the pending miscellaneous application(s), if any.

Jyotsna Rewal Dua
Judge

October 29, 2024

R. Atal