

Rajinder Kumar Kapoor vs. State of H.P. & others

**Exe. Pet. No.431 of 2023 in
CWP No.1354 of 2011**

10.05.2024 Present: Mr. Rajnish Maniktala, Senior Advocate, with Mr. Dinkar Bhaskar, Advocate, for the petitioner.

Mr. Rajat Chauhan, Law Officer, for respondents No.1 and 2.

Mr. R.K. Bawa, Senior Advocate, with Mr. Ajay Kumar Sharma, Advocate, for respondents No.3 and 4.

Learned Senior Counsel appearing for the execution petitioners submits that in terms of the Office Order that has been passed by Director of Higher Education, Himachal Pradesh, an amount of Rs.12,30,559/- is stated to have been deposited with the respondent-College for disbursal in favour of Smt. Subhash Devi and Sh. R.K. Kapoor (execution petitioner in Execution Petition No.431 of 2023) in lieu of their entitlement to leave encashment. Learned Senior Counsel submits that as far as leave encashment payable to Smt. Sundla Devi (execution petitioner in Execution Petition No.435 of 2023) is concerned, there is no reference qua the same in the Office Order. Accordingly, he submits that the Department concerned be directed to do the needful

qua Smt. Sundla Devi also and in the interregnum, the respondents be directed to intimate that out of the amount that has been deposited by the Department with the respondent-College, each petitioner is entitled for what amount. Learned Senior Counsel further submits that as far as the payment of Gratuity to be made by the respondent-College is concerned, direction be issued to the respondent-College to pay the Gratuity to the petitioners with interest in terms of the judgment passed by this Court.

Having heard learned Senior Counsel appearing for the petitioners as also learned Law Officer as also learned Senior Counsel appearing for the respondent-College, this Court orders that on the next date of hearing, the Court be apprised that out of the amount of Rs.12,30,559/- which has been deposited by the Department with the respondent-College, Smt. Subhash Devi and Sh. R.K. Kapoor each are entitled to how much amount as leave encashment; whether the amount stands remitted in their favour and if not, then why. In addition, the State shall also ensure that leave encashment which

is payable to petitioner Smt. Sundla Devi, is paid without any undue delay. As far as the payment of Gratuity by the respondent-College in favour of the petitioners is concerned, in terms of the order passed by Hon'ble Supreme Court of India, this Court orders that let 50% of the Gratuity payable by the respondent-College to the petitioners be paid to them within a period of two months from today, which shall be subject to final outcome of the Special Leave Petitions that have been preferred by the respondent-College before Hon'ble Supreme Court in similar matters.

As prayed for, list for further consideration on
22.07.2024.

(Ajay Mohan Goel)
Judge

May 10, 2024
(Rishi)