



2025:HHC:40676

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP Nos. 16578 & 16580 of 2025

Decided on: 28.11.2025.

1. CWP No. 16578 of 2025

Rajinder Pal

.....Petitioner

Versus

Himachal Road Transport Corporation & others

.....Respondents

2. CWP No. 16580 of 2025

Surinder Pal

.....Petitioner

Versus

Himachal Road Transport Corporation & others

.....Respondents

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Ms. Justice Jyotsna Rewal Dua

Whether approved for reporting?¹

For the Petitioner(s): Mr. Manohar Lal Sharma, Advocate.

For the Respondents: Mr. Vinod K. Gupta, Advocate in both writ petitions.

Jyotsna Rewal Dua, Judge

Notice. Mr. Vinod K. Gupta, learned counsel, appears and waives service of notice on behalf of the respondents in both writ petitions.

2. These writ petitions have been filed by the petitioner(s), who had retired from the service of the

¹ Whether reporters of print and electronic media may be allowed to see the order? Yes.



respondent-Himachal Road Transport Corporation (HRTC), with the prayer that the respondents may be directed to release the amount of pension, commuted value of pension, gratuity and leave encashment alongwith interest for the delay on part of the respondents.

3. Reliance has been placed on the judgment passed by a Division Bench of this Court in ***Nek Ram versus State of Himachal Pradesh and others***² and also on a subsequent order of this Court in ***Sh. Subhash Chand versus The Himachal Road Transport Corporation, Shimla and others alongwith connected matters***³ in which, the respondents were directed to pay the retiral benefits to the petitioner(s) within a period of six months. In case the required retiral benefits are not paid to the petitioner(s) within the aforesaid period of six months, then in addition to the due statutory benefits, the petitioner(s) shall also be paid interest at the rate of 9% per annum beyond the period of six months till the date of actual payment.

4. In another subsequent order of this Court passed in ***Ram Lal versus The Himachal Pradesh Tourism Development Corporation Ltd. and another***

2 CWP No.3050 of 2014, decided on 17.07.2014

3 CWP No.4377 of 2021, decided on 25.08.2021



and the connected matter⁴, the respondents were directed to make payment of gratuity to the petitioners within a period of six months from the date of passing of the order. In the event of non-payment of due amount, the petitioner(s) were held entitled to differential amount of interest between the amount of interest statutorily payable to the petitioner(s) 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.

5. 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 **Subhash Chand³** 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 amount of Gratuity and Leave Encashment and interest amount of Commute Pension alongwith prescribed rate of interest, within a period of six months from the due date till the actual payment is made.

6. In view of above, these writ petitions are disposed of with a direction to the respondents to release to the petitioner(s) the amount of pension, commuted



value of pension, gratuity and leave encashment with actual rate of interest as per applicable rules, till the time of actual payment, which shall be paid to them 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.

November 28, 2025
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Jyotsna Rewal Dua
Judge