

Government of Himachal Pradesh
Jal Shakti Vibhag

No.JSV-A-B(7)2/2022

Dated: Shimla-171002, 16th February, 2024

ORDER

WHEREAS, Shri Rajender Kumar Khawla Village Gurehar PO Kohla Tehsil Nadaun District Hamirpur (HP) had filed a Civil Writ Petition as CWP No. 10218 of 2023 titled as Rajender Kumar Khawla V/s State of HP, before the Hon'ble High Court of Himachal Pradesh seeking directions to the respondents to grant the revised retiral benefits i.e. revised pension, gratuity, leave encashment, commuted pension etc. accrued as a result of revision of pay scale w.e.f. 01.01.2016 on the analogy of the judgment passed by the Hon'ble High Court of H.P. dated 31.05.2023 in CWP No.2108 of 2023 titled as Bhagat Ram Vs Himachal Road Transport Corporation and Others.

AND WHEREAS, the Hon'ble High Court of Himachal Pradesh vide its order dated 13th December, 2023 had disposed of the CWP No. 10218 of 2023 titled as Rajinder Kumar Khawla V/s State of HP and passed the following judgment (operative part):-

" 8. On the other hand, Mr. Vishal Panwar, learned Additional Advocate General, appearing for respondents No.1 to 3 submits that the judgment in case of Bhagat Ram (supra) has not attained finality, as the HRTC Respondent therein has filed a Review Petition, which is pending listing/hearing.

9. Faced with this situation, learned Counsel for the petitioner, on instructions, submits that the petitioner shall be satisfied, in case, this Court permits him to make a representation for claiming above benefits. The prayer being innocuous, is not opposed and needs to be granted.

10. Accordingly, as prayed for, by the learned counsel by the petitioner, this Court permits the petitioner to make a fresh representation to the Respondent No.1-Principal Secretary (Jal Shakti Vibhag-IPH Himachal Pradesh, within three weeks from today, in continuation of representation dated 10.01.2023 (Annexure P-

2); with further directions to the aforesaid respondent to examine/consider the matter and to pass appropriate orders, in accordance with law, within four weeks thereafter. Ordered accordingly.

11. Needless to say that, this Court has not adverted to the merits of the matter and all questions of facts and law are left open".

AND WHEREAS, in compliance to the above orders, the petitioner Shri Rajinder Kumar Khawla tendered his representation on 19.12.2023 vide which he has prayed to disburse the arrears of pay as well as revised retiral benefits alongwith interest @ 6% per annum.

AND WHEREAS, since the judgment passed in CWP No. 2108/2023 titled as Bhagat Ram Vs HRTC relates to Himachal Road Transport Corporation, as such, the Transport Department was requested to intimate the status regarding implementation of the judgment mentioned ibid.

AND WHEREAS, the Transport Department vide letter No.TPT-B(15)-5/2022 dated 26.12.2023 has informed that HRTC has not implemented the order/judgment dated 31.05.2023 passed in CWP No.2108 of 2023 titled as Bhagat Ram Vs HRTC & Others and a Review petition has been filed against the aforesaid order, which is not listed as yet.


AND WHEREAS, since the matter falls under the domain of Finance Department, as such, Finance Department was consulted as to whether the retiral benefits (i.e. revised pension, gratuity & leave encashment) has been released to the employees who have retired in between the period of 1.1.2016 to 31.12.2021 or not.

AND WHEREAS, the Finance(Pension) Department has informed that the State Government vide para-3 of the Himachal Pradesh Civil Services (Revised Pay) Rules, 2022 has decided that arrears of pay w.e.f. 1.1.2016 to 31.12.2021 shall be paid in such a manner and at such time as may approved by the Government. Similarly vide para-10 of the OM No.Fin (Pen) A(3)-1/2021-Part-I dated 25.02.2022, the State Government has decided that arrears on account of revision of pension/gratuity/commutation/family pension for the

period w.e.f. 01.01.2016 to 31.01.2022, shall be paid in such manner as may be decided by the Government in future. Accordingly the State Government vide OM No.Fin-(PR)B(7)-1/2021-Loose dated 17.09.2022 and Fin(Pen)A(3)-1/2021 dated 17.09.2022 has released 20% of the Pay/Pension arrears subject to the maximum limit of Rs.50,000/- and 20% of the gratuity arrears to the Government employees including the petitioner. The balance pay/pension, gratuity etc. arrears on account of revision of pay scales & Pension w.e.f. 01.01.2016 to 31.01.2022 will be released in due course of time as may be decided by the Government keeping in view the availability of funds.

NOW THEREFORE, after careful consideration of the facts of the case and perusal of records, it is very much evident that HRTC has not implemented the judgment dated 31.05.2023 passed in CWP No.2108/2023 titled as Bhagat Ram Vs HRTC and filed a review petition before the Hon'ble High Court, which is not listed as yet. Since the petitioner in CWP No.10218/2023 has sought the relief taking reliance of the above judgment (CWP No.2108/2023) which actually has been assailed by the concerned Respondent Department, as such, the relief cannot be granted to the petitioner.

NOW THEREFORE, in compliance to the judgment dated 13.12.2023 passed in CWP No.10218 of 2013, the representation of Shri Rajender Singh Khawla cannot be considered at this stage. A copy of the order be conveyed to the concerned.


(Onkar Chand Sharma)
Addl. Chief Secretary (Jal Shakti) to the
Government of Himachal Pradesh

Regd.


Shri Rajender Kumar Khawla
Executive Engineer(Retd.)
Village Gurehar PO Kohla Tehsil Nadaun
District Hamirpur (HP)

No.JSV-A-B(7)2/2022

Dated: Shimla-171002, 16th February, 2024

Copy forwarded to the following for information and further action:-

1. The Addl. Advocate General, Himachal Pradesh, Shimla-171001.
2. The Engineer-in-Chief, Jal Shakti Vibhag, Shimla-171005.
3. Guard file/spare copies.


(Mahi Pal Verma)
Deputy Secretary (Jal Shakti) to the
Government of Himachal Pradesh
Phone No.0177-2880484