

**HIGH COURT OF JUDICATURE FOR RAJASTHAN  
BENCH AT JAIPUR**

S.B. Civil Writ Petition No. 16191/2019

Praveen Kumar Singh (P.k. Singh) Son Of Shri Surendra Pal Singh, Aged About 63 Years, Resident Of Plot No. 105 Ii, Shanti Nagar B, Gurjar Ki Thadi, Jaipur, Rajasthan.

----Petitioner

Versus

1. Managing Director, Rajasthan Tourism Development Corporation, Paryatan Bhawan, Iiird Floor, Opposite Vidhayakpuri Police Station, Sanjay Marg, M.i. Road, Jaipur.
2. Executive Director, Finance Rajasthan Tourism Development Corporation, Paryatan Bhawan, Iiird Floor, Opposite Vidhayakpuri Police Station, Sanjay Marg, M.i. Road, Jaipur.

----Respondents

Connected With

S.B. Civil Writ Petition No. 11187/2019

Gopal Krishan Goswami Son Of Late Shri Hari Krishan Goswami, Aged About 61 Years, Resident Of Plot No. 88, Gyatri Nagar, Sodala, Ajmer Road, Jaipur, Rajasthan.

----Petitioner

Versus

1. Managing Director, Rajasthan Tourism Development Corporation, Paryatan Bhawan, Iiird Floor, Opposite Vidhayakpuri Police Station, Sanjay Marg, M.i. Road, Jaipur.
2. Executive Director, Finance, Rajasthan Tourism Development Corporation, Paryatan Bhawan, Iiird Floor, Opposite Vidhayakpuri Police Station, Sanjay Marg, M.i. Road, Jaipur.

----Respondents

S.B. Civil Writ Petition No. 11197/2019

Chandra Prakash Mittal Son Of Shri Mahadev Prasad Mittal, Aged About 61 Years, Resident Of Plot No. 298, Rajendra Nagar, Bharatpur, Rajasthan.

----Petitioner

Versus

1. Managing Director, Rajasthan Tourism Development Corporation, Paryatan Bhawan, Iiird Floor, Opposite Vidhayakpuri Police Station, Sanjay Marg, M.i. Road, Jaipur.
2. Executive Director, Finance Rajasthan Tourism Development Corporation, Paryatan Bhawan, Iiird Floor, Opposite Vidhayakpuri Police Station, Sanjay Marg, M.i. Road, Jaipur.

----Respondents

S.B. Civil Writ Petition No. 3407/2021

Jai Krishan Sirchia Son Of Sh. Karn Singh, Aged About 64 Years,  
Resident Of 1 J 18 Mahaveer Nagar Extention Kota, Rajasthan.

----Petitioner

Versus

1. Rajasthan Tourism Development Corporation, Through Managing Director, Paryatan Bhawan, Iiird Floor, Opposite Vidhayakpuri Police Station, Sanjay Marg, M.i. Road, Jaipur.
2. Executive Director, Finance Rajasthan Tourism Development Corporation, Paryatan Bhawan, Iiird Floor, Opposite Vidhayakpuri Police Station, Sanjay Marg, M.i. Road, Jaipur.

----Respondents

S.B. Civil Writ Petition No. 7761/2021

Rajesh Kaul Son Of Sh. Man Mohan Kaul, Aged About 62 Years,  
Resident Of House No. 264, Sector-1, Vidhyadhar Nagar, Jaipur,  
Rajasthan.

----Petitioner

Versus

1. Rajasthan Tourism Development Corporation, Through Managing Director, Paryatan Bhawan, Iiird Floor, Opposite Vidhayakpuri Police Station, Sanjay Marg, M.i. Road, Jaipur.
2. Executive Director, Finance Rajasthan Tourism Development Corporation, Paryatan Bhawan, Iiird Floor, Opposite Vidhayakpuri Police Station, Sanjay Marg, M.i. Road, Jaipur.
3. The Principal Secretary, Department Of Finance, Govt.

Secretariat, Nr. Statue Circle, Jaipur.

-----Respondents

S.B. Civil Writ Petition No. 7762/2021

Jaswant Singh Son Of Late Sh. Sukan Singh, Aged About 63 Years, Resident Of Sr. 28, Acharya Vinobha Bhave. Nagar, Vaishali Nagar, Jaipur, Rajasthan

-----Petitioner

Versus

1. Rajasthan Tourism Development Corporation, Through Managing Director, Paryatan Bhawan, Iiird Floor, Opposite Vidhayakpuri Police Station, Sanjay Marg, M.i. Road, Jaipur.
2. Executive Director Finance Rajasthan Tourism Development Corporation, Paryatan Bhawan, Iiird Floor, Opposite Vidhayakpuri Police Station, Sanjay Marg, M.i. Road, Jaipur.
3. The Principal Secretary, Department Of Finance, Govt. Secretariat, Nr. Statue Circle, Jaipur.

-----Respondents

S.B. Civil Writ Petition No. 8167/2021

Rakesh Kumar Gaur Son Of Late Sh. Pushpendra Lal Gaur, Aged About 61 Years, Resident Of Flat No. 17/b/f-7/27, Sabarmati Apartment, Haldihati Marg, Sanganer, Jaipur, Rajasthan.

-----Petitioner

Versus

1. Rajasthan Tourism Development Corporation, Through Managing Director, Paryatan Bhawan, Iiird Floor, Opposite Vidhayakpuri Police Station, Sanjay Marg, M.i. Road, Jaipur.
2. Executive Director Finance Rajasthan Tourism Development Corporation, Paryatan Bhawan, Iiird Floor, Opposite Vidhayakpuri Police Station, Sanjay Marg, M.i. Road, Jaipur.
3. The Principal Secretary, Department Of Finance, Govt Secretariat, Nr. Statue Circle, Jaipur.

-----Respondents

S.B. Civil Writ Petition No. 19562/2019

Arvind Shonkhia Son Of Shri Panna Lal Shonkhia, Aged About 61

Years, Resident Of Plot No. 2/62, Jawahar Nagar, Housing Board,  
Bharatpur, Rajasthan.

----Petitioner

Versus

1. Managing Director, Rajasthan Tourism Development Corporation, Paryatan Bhawan, Iiird Floor, Opposite Vidhayakpuri Police Station, Sanjay Marg, M.i. Road, Jaipur.
2. Executive Director, Finance Rajasthan Tourism Development Corporation, Paryatan Bhawan, Iiird Floor, Opposite Vidhayakpuri Police Station, Sanjay Marg, M.i. Road, Jaipur.

----Respondents

S.B. Civil Writ Petition No. 14281/2020

Bheru Dan Charan (B D. Charan) Son Of Shri Shambhu Dan Charan, Aged About 61 Years, C/o Suraj Singh Charan Recent Resident Of Flat No. 302, Block-2, Royal Greens-Phase-I, Meenawala, Sirsi Road, Jaipur, Permanent Resident Of House No. 67-, Kailashpuri Colony (Madhuvan), Nimbahera Road, Chittorgarh, Rajasthan.

----Petitioner

Versus

1. Rajasthan Tourism Development Corporation, Through Managing Director, Paryatan Bhawan, Iiird Floor, Opposite Vidhayakpuri Police Station, Sanjay Marg, M.i. Road, Jaipur.
2. Executive Director, Finance Rajasthan Tourism Development Corporation, Paryatan Bhawan, Iiird Floor, Opposite Vidhayakpuri Police Station, Sanjay Marg, M.i. Road, Jaipur.

----Respondents

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For Petitioner(s)	∴ Mr. Sandeep Bhagwati
For Respondent(s)	∴ Mr. S.S. Raghav, AAG
	∴ Mr. Mahendra Verma on behalf of
	∴ Mr. Dinesh Yadav for RDTC
	∴ Mr. Jagdish Nagar
	∴ Mr. Anand Singh Rajawat
	∴ Mr. Liyakat Khan
	∴ Mr. Amit Kuri

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**HON'BLE MR. JUSTICE INDERJEET SINGH****Order****06/07/2022**

In the present bunch of petitions, common request has been made to this Court by the petitioners of issuing directions to the respondents to pay all retiral dues to the petitioners along with interest. There is no dispute regarding the fact that the petitioners have retired from service of the respondent-department in between 2016 to 2021. The prayer made in one of the writ petition (CWP-16191/2019) is reproduced as under:-

"It is, therefore, most respectfully prayed that Your Lordships may graciously be pleased to call for the entire record of the case and after examining the same be further pleased to accept and allowed the writ petition and;

(i) by appropriate writ, order or directions, the respondents may be directed to pay petitioner amount of Gratuity about Rs.11,23,407/- along with interest of 24% per year.

(ii) by appropriate writ, order or directions, the respondents may be directed to pay petitioner amount of Leave Encashment Rs.5,40,900/-, Arrear of VI pay commission about Rs.90,000/-, unpaid salary of August 2016 and September 2016 about Rs.1,00,598/- along with interest of 24% per year.

(iii) Any other direction which this Hon'ble Court deems fit and proper in the facts and circumstances of the case may also be passed in favour of the petitioner."

Counsel appearing for the petitioners submitted that the petitioners are entitled to receive their retiral dues along with interest on the delayed payment and prayed that the respondents be directed to pay retiral dues to the petitioners at the earliest along with interest as permissible under the Rules.

Reply in all these writ petitions being almost the same except the numerical calculation/different heads of retiral dues, the relevant part of the reply filed in S.B. Civil Writ Petition No.16191/2019 is quoted as under:-

"4. That the contents of Para No.4 of the writ petition are replied in the terms that the petitioner retired as Assistant Manager on 30.9.2016 from the services of the Corporation. Thereafter, vide order dated 24.1.2020 the sanction for payment of gratuity of Rs.10,00,000/- was granted and amount of Rs.3,00,000/- was deducted as it was already paid."

Reply to Grounds

"D. That the contents of Ground-D of the writ petition are denied in the manner stated by the petitioner. It is most humbly submitted that the answering respondent acted on the notice for demand of justice and release the payment of gratuity and part-payment of encashed leave."

Counsels appearing on behalf of the respondent(s) submitted that they have partly made the payment of retiral dues in favour of some of the petitioners and some are still left to be paid. Counsels further submitted that the remaining retiral dues could not be paid on account of poor financial condition of the Department. Counsels further submitted that the matter with regard to financial sanction for the purpose of paying the remaining retiral dues to the petitioners, is pending consideration with the State Government.

I have heard counsels for the parties and perused the record.

Counsels for the respondents cannot dispute this fact that by passage of time, the matter has become of delayed payment of



retiral dues for which interest can be awarded by the Court under the law.

Whatever amount has been paid by the respondents towards the retiral dues to the petitioners, still the respondents are under legal obligation to pay the remaining retiral dues to the petitioners and since a considerable period of time has passed after retirement of the petitioners and as yet the retiral dues are still left to be paid to the petitioners, without there being any fault on the part of the petitioners, I deem it just and proper to award interest @9% per annum on the delayed payment of retiral dues to the petitioners, from the date the same became due till its actual payment, as provided under the law.

In that view of the matter, the respondents are directed to pay all the retiral dues to the petitioners within a period of four months from today along with interest @9% per annum on the delayed payment of retiral dues from the date the same became due till its actual payment.

With the aforesaid directions, the present writ petitions are disposed of. Copy of this order be separately placed in each connected file.

(INDERJEET SINGH),J

CHETNA BEHRANI /121-129