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% 28.08.2009

Present:- Mr. Nalin Tripathi, ASC and Mr. Mukesh Gupta and
Ms. Saroj Bidawat, Advocates for the petitioner.
None for the respondents.

+ W.P.(C.) Nos. 8322/2009, 6207/2008, 6208/2008,
6209/2008, 6219/2008, 753/2009, 762/2009, 7166/2009,
7217/2009, 7260/2009, 6856/2009, 7276/2009, 7659/2009,
7756/2009, 7946/2009 & 7700/2009

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All these writ petitions are proposed to be disposed of by this common order because they all raise a common question for determination whether the employees of the MCD who had retired prior to 22.07.2005 are entitled for gratuity under the Payment of Gratuity Act, 1972 or not.

The Controlling Authority as well as the Appellate Authority in their separate orders passed against each of the employees involved in these writ petitions has held that the employees of MCD who had retired prior to 22.07.2005 are entitled for gratuity under the Payment of Gratuity Act, 1972 because the MCD was granted exemption from applicability of the provisions of the Payment of Gratuity Act, 1972 vide notification dated 22.07.2005 w.e.f. 06.08.2005.

This Court has already confirmed the decision of the Controlling Authority as well as of the Appellate Authority under the Payment of Gratuity Act, 1972 vide its order dated 06.07.2009 in W.P.(C.) No. 9052/2009. The question involved in these writ

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petitions is squarely covered by the judgment of this Court in the afore-mentioned case.

In that view of the matter, I do not find any infirmity or perversity in the orders of the Controlling Authority or of the Appellate Authority that may call for an interference by this Court in exercise of its extraordinary discretionary writ jurisdiction under Article 226 of the Constitution of India. These writ petitions, therefore, fail and are hereby dismissed.

Needless to say that any miscellaneous application pending in any of these writ petitions stand disposed of as having become infructuous.

A copy of this order be kept in the files of all the writ petitions which have been disposed of by this common order.

AUGUST 28, 2009
'bsr'


S.N.AGGARWAL, J