

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

207

**Civil Writ Petition No.6409 of 2011
Date of decision: July 24, 2015**

Jamil Ahmed

....Petitioner

versus

Haryana Wakf Board and another

...Respondents

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

1. Whether Reporters of local papers may be allowed to see the judgment? Yes/No
2. To be referred to the Reporters or not? Yes/No
3. Whether the judgment should be reported in the Digest? Yes/No

Present: Mr. Dinesh Kumar, Advocate for the petitioner.

Mr. Sandeep Punchhi, Advocate for the respondents.

DAYA CHAUDHARY, J.(Oral)

The present writ petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing the impugned communication dated 10.12.2010(Annexure P-4) vide which the claim of the petitioner for balance payment of gratuity amount has been rejected .

Learned counsel for the petitioner submits that the amount of gratuity was to be paid as per Haryana Government Rules and a Resolution was passed by the Board vide which the limit of Death-cum-Retirement Gratuity for the employees of the Board was enhanced from Rs.50,000/- to Rs.3,50,000/- w.e.f. 01.08.2003 in the meeting held on 07.06.2004. Learned counsel also submits that as per decision taken, the balance amount of enhanced

gratuity has still not been paid as per Haryana Government Rules whereas the stand of the respondents is that decision was only to increase the amount of gratuity from Rs.50,000/- to Rs.3,50,000/- and still no decision has been taken by the Board to implement the same.

After hearing learned counsel for the parties, it appears that the decision was taken to enhance the amount of Gratuity from Rs.50,000/- to Rs.3,50,000/- as per Rules of the Haryana Government w.e.f. 01.08.2003. Subsequently, the amount of Gratuity to the Haryana Government employees was increased from Rs.3,50,000/- to Rs.10,00,000/- w.e.f. 01.01.2006 but no decision has been taken by the Board as to whether the enhanced amount of Death-cum-Retirement Gratuity would be applicable to its employees or not. The communication dated 10.12.2010(Annexure P-4) was signed by Chief Executive Officer, Haryana Wakf Board, Ambala Cantt. but nowhere it has been mentioned that it is the decision of the Board.

In view of the submissions made by learned counsel for the parties, the Haryana Wakf Board is directed to take a decision as to whether the enhanced amount of Death-cum-Retirement Gratuity would be applicable to its employees or not within a period of three months from the date of receipt of copy of this order. In case, the decision is taken to implement the payment of enhanced amount of Death-cum-Retirement Gratuity, the same be released to the petitioner thereafter.

However, the petitioner is at liberty to move application, if so required.

(DAYA CHAUDHARY)
JUDGE

July 24, 2015
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