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§-22, 25 and 26

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CONT.CAS(C) 12/2015

+ CONT.CAS(C) 15/2015

+ CONT.CAS(C) 16/2015

VIJAY PRAKASH VIJAY

..... Petitioner

In CONT.CAS (C) 12/2015

RAGHUBIR SINGH SAINI

..... Petitioner

In CONT.CAS (C) 15/2015

SURINDER KUMAR

..... Petitioner

In CONT.CAS (C) 16/2015

Represented by: Mr. Subhash Chander, Adv.

versus

PROF TARUN KUMAR DASS THE REGISTRAR

(MANAGEMENT) UNIVERSITY OF DELHI Respondent

Represented by: Mr. G.K. Pathak, Adv.

CORAM:

HON'BLE MR. JUSTICE SURESH KAIT

ORDER

% **09.01.2015**

1. Vide the present petitions, petitioners are seeking compliance of order dated 17.10.2014 passed by this Court and the order dated 21.12.2012 passed by the Controlling Authority under the Payment of Gratuity Act, 1972.

2. This is the second round of litigations before this Court. This Court disposed of the earlier Writ Petitions being W.P.(C) Nos. 7127/2014, 7128/2014 and 7129/2014 thereby directing the counsel for the respondent no. 3 / University of Delhi to advise his client to take suitable steps for

making compliance of the orders passed by the competent authority under the Payment of Gratuity Act, 1972.

3. Ld. Counsel appearing on behalf of the respondent on advance notice submits that order dated 21.12.2012 was challenged before this Court and the same was dismissed by the Coordinate Bench of this Court. Thereafter, LPA was filed against the said order, which is still pending and the petitioners are appearing therein.

4. Ld. Counsel appearing on behalf of the respondent has undertaken to deposit the amount as directed by the Controlling Authority under the Payment of Gratuity Act, 1972 before the Registry and same may be disbursed subject to the outcome of the LPA Nos. 810/2013, 537/2014, 538/2014 and 545/2014.

5. In view of above, the respondent is directed to deposit the amount of Rs.96,971/- with the Registrar General of this Court within three weeks from today with interest @ 10% *per annum* from the date of order passed by the Controlling Authority under the P.G. Act till the date of deposit. The amount shall be disbursed subject to the outcome of LPA NOs. 810/2013, 537/2014, 538/2014 and 545/2014.

6. In view of above, the petitions are disposed of.

JANUARY 09, 2015/jg


SURESH KAIT, J
D/o Mehta

= fresh cm - 1530/15 for
modification order dt
9/1/15 - i.e. above

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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CONT.CAS(C) 12/2015

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VIJAY PRAKASH VIJAY

..... Petitioner

In CONT.CAS (C) 12/2015

RAGHUBIR SINGH SAINI

..... Petitioner

In CONT.CAS (C) 15/2015

SURINDER KUMAR

..... Petitioner

In CONT.CAS (C) 16/2015

Represented by: Mr. Subhash Chander,
Advocate.

Versus

PROF TARUN KUMAR DASS THE REGISTRAR

(MANAGEMENT) UNIVERSITY OF DELHI Respondent

Represented by: Mr. Shiv Ram Singh for Mr. G.
K. Pathak, Advocate.

CORAM:

HON'BLE MR. JUSTICE SURESH KAIT

ORDER

% **09.02.2015**

CM Nos. 1552, 1550 & 1551 /2015 in CONT.CAS(C) Nos. 12, 15 & 16 of 2015

1. Vide the instant applications, the applicants/petitioners seek modification in para 5 of the order dated 09.01.2015.
2. Notice issued.
3. Learned counsel named above accepts notice on behalf of the respondent.
4. Learned counsel appearing on behalf of the petitioners submits that

(5)

pursuant to order dated 21.12.2012, the amount to be deposited by the respondent is as under:-

Rs.96,971/- in favour of Vijay Prakash Vijay;

Rs.76,380/- in favour of Raghubir Singh Saini; and

Rs.1,78,770/- in favour of Surinder Kumar.

5. The respondent was further directed to pay simple interest at the rate of 10% *per annum* to be calculated on the amount become payable from the date of retirement/superannuation of the petitioners till the date on which it is actually paid.

6. In view of the above noted facts, para-5 of the aforesaid order dated 09.01.2015 shall be read as under:-

"5. In view of above, the respondent is directed to deposit the amount of Rs.96,971, Rs.76,380/- and Rs. 1,78,770/- in favour of petitioners, namely, Vijay Prakash Vijay, Raghubir Singh Saini and Surinder Kumar respectively with simple interest at the rate of 10% per annum to be calculated on the amount become payable from the date of retirement/superannuation of the petitioners till the date of actual payment with the Registrar General of this Court within four weeks from today. The amount shall be disbursed subject to the outcome of LPA Nos. 810/2013, 537/2014, 538/2014 and 545/2014."

7. No further order is required.

8. The applications stand disposed of accordingly.

9. A copy of this order be given *dasti* to the learned counsel for the parties.


SURESH KAIT, J.

FEBRUARY 09, 2015

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