

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

**CWP No.7560 of 2012 (O&M)**

**Date of decision: 08.02.2016**

**Sh. M.S. Yadav and others**

**.....Petitioners**

**Versus**

**State of Haryana and others**

**.....Respondents**

**CORAM:HON'BLE MS. JUSTICE RITU BAHRI**

Present: Mr. Jai Bhagwan Sharma, Advocate,  
for the petitioners.

Mr. Hitesh Pandit, Addl. A.G., Haryana,  
for respondent Nos. 1 and 2.

Mr. Kamal Sehgal, Advocate,  
for respondent No.3.

**Ritu Bahri, J.**

The petitioners are seeking to quash the order dated 03.02.2012 (Annexure P-1) passed by the Haryana Seeds Development Corporation-respondent No.3, whereby their claim for enhanced amount of Death-cum-Retirement Gratuity payable w.e.f. 01.01.2006 from Rs.3.5 lacs to Rs.10 lacs at par with Haryana Government employees has been rejected.

A Co-ordinate Bench of this Court in **Ram Niwas Doon Vs. Haryana Land Reclamation and Development Corporation Ltd.**, CWP No.12933 of 2011 (decided on 13.03.2012) had an occasion to consider a similar prayer made by the petitioner for enhancement of death-cum-retirement gratuity. In that case, the plea of the petitioner was that once the

Board of Directors of the Corporation had resolved to adopt the 6<sup>th</sup> Pay Commission's recommendations for scales of pay and gratuity in the year 2009, the payment of enhanced amount of gratuity could not be restricted to the officials, who had retired after 24.05.2010. In the said petition, resolution of the Board was challenged. The benefit of 6<sup>th</sup> Pay Commission's recommendations was given to the Central and State Government employees. The Corporation had adopted the Civil Services Rules and scales of pay for the benefit of its employees. This in itself would not make the employees of the Corporation as civil servants. In the matter of grant of gratuity, the retired employees of the Corporation were governed by the Payment of Gratuity Act itself. Section 4 of the Payment of Gratuity Act was amended raising the maximum amount to Rs.10 lacs by virtue of Act 15 of 2010 effective from 24.05.2010. Benefit of this amendment was to be given to those employees, who retired after 24.05.2010 and the same was not to be extended retrospectively. It was held that prescribing a cut off date would lead to heart-burning in a group of persons because by prescribing a cut off date, some persons would lose and some would get the said benefit. In **S.T.Nivrutta (Retired) Karmachari Sangh & Ors. Vs. Gujarat State Road Transport Corporation**, 2005 (4) SLR 139, the Gujarat High Court was considering a notification of the Central Government enhancing the gratuity from Rs.1 lac to Rs.2.5 lacs. It was held that prescribing a cut off date was not bad and could not be interfered with. The writ petition was dismissed by holding that when Payment of Gratuity Act was applicable to the petitioner, after retirement he could not be treated as an employee of the Central or Stage Government. The amendment was made by raising the amount of gratuity from Rs.3.5 lacs to Rs.10 lacs, which was to take effect from 24.05.2010. It was held that the petitioner could not secure the benefit

of 6<sup>th</sup> Pay Commission's recommendations, which were made for the employees, who retired from 01.01.2006 to 24.05.2010.

Applying the ration of the above said judgment to the facts of the present case, the petitioners are employees of the Haryana Seeds Development Corporation and after retirement they are governed by the Payment of Gratuity Act. Hence, they cannot claim enhanced amount of gratuity from Rs.3.5 lacs to Rs.10 lacs, as this enhanced amount can be claimed only by the employees who had retired after 24.05.2010.

In view of the above discussion, no ground is made out to interfere in the impugned order.

Dismissed.

08.02.2016  
ajp

(RITU BAHRI)  
JUDGE