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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 11680/2015**

UNIVERSITY OF DELHI Petitioner
Through: Mr. G.K. Pathak, Advocate

versus

SHARDA SEHGAL AND ORS. Respondents
Through: Mr. Sudesh Kumar Goyal, Adv. for
R-1 with R-1 in person
Mr. Vijay Joshi & Mr. Sushil Kumar
Pandey, Advocates for R-2 & 3/DOI

CORAM:

HON'BLE MR. JUSTICE SUDERSHAN KUMAR MISRA

ORDER

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17.02.2016

This writ petition has been moved by the University of Delhi impugning the orders passed by the Controlling Authority on 25.08.2014 whereby the petitioner was directed to pay a sum of Rs. 2,87,806/- towards balance gratuity along with simple interest at the rate of 10% per annum to the first respondent. The review application moved by the petitioner also came to be dismissed on 25.09.2015.

It is, inter alia, the case of the petitioner that the learned Controlling Authority has erred in quantifying the aforesaid amount by taking into account extraneous facts whilst ignoring certain relevant facts. It is also the case of the petitioner/University of Delhi that inadvertently, certain erroneous facts were placed before the learned Controlling Authority by the University. In this context, it is also pointed out that the figure indicating the actual amounts disbursed by the University to the first respondent that were

taken into account by the Controlling Authority were erroneous. Furthermore, under the applicable rules and regulations, the respondent was not entitled to gratuity for the leave period.

At the same time, counsel for the petitioner states that the petitioners would have no objection to disburse any amounts which the petitioner itself has found as due and payable to the first respondent.

Issue notice.

Counsel for all the respondents accept notice.

At the outset, and without going into the merits of the matter, counsel for all the parties are agreed that the matter be remanded to the learned Controlling Authority/respondent No. 2 herein for a fresh decision on merits whilst also taking into account the particulars mentioned in Annexure P-3 of the writ petition. Of course, all parties concerned would be given an opportunity by the Controlling Authority to put forward their case before any final decision is taken in the matter.

The petitioner shall approach the Controlling Authority for this purpose within three weeks from today, after disbursing the admitted amount to the first respondent, and the matter will be duly considered and disposed off on merits by that Authority within another eight weeks after giving opportunity to the parties.

The impugned order is set aside on the aforesaid terms.

The petition along with all interim applications stand disposed off.

SUDERSHAN KUMAR MISRA, J.

FEBRUARY 17, 2016

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