* IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of Order: March 22, 2018

\+ **W.P.(C) 2477/2017**

KARAN SINGH & ORS .....Petitioners

Through: Mr. S.P. Sethi, Advocate

versus

UNION OF INDIA & ANR .....Respondents

Through: Dr. G.L. Bhatia, Advocate for respondent No.1
Mr. Vedant Singh and Mr. Michelle Gomes, Advocates for respondent No.2

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

O R D E R
(ORAL)

1. Grant of enhanced gratuity of ₹10 lacs is sought by petitioners w.e.f. 1st January, 2006 while claiming that they are the retired employees under the *Central Dearness Allowance (hereinafter referred to CDA)* Pay Pattern. The grievance of petitioners' counsel is that the benefit of Circular of 8th October, 2010 *(Annexure P-1)* granting enhancement of maximum limit of gratuity from ₹3.5 lacs to ₹10 lacs to the retired employees under the *Industrial Dearness Allowance (IDA)* Pay Pattern has not been extended to the retired employees under the CDA Pay Pattern.

2. In the counter-affidavit filed by respondent-*Cement Corporation of India*, the stand taken is that there are two set of pay scales i.e. IDA and CDA, governing each type of executives/employees in public sector units and Central Government has directed that enhanced gratuity is payable to

the retired employees under IDA Pattern of pay scale. In the counter-affidavit filed by respondent-*Cement Corporation of India,* no reason is given as to why the enhancement of maximum limit of gratuity payable to IDA Pay Pattern employees cannot be extended to CDA Pay Pattern employees.

3. Learned counsel for respondent No.2 submits that respondent-*Cement Corporation of India* follows the guidelines and directives issued by the Central Government. No counter-affidavit has been filed by respondent-*Union of India*. Petitioners' counsel draws the attention of this Court to Representations *(Annexures P-3/1 to 3/3)* seeking maximum limit of gratuity in terms of Circular of 8th October, 2010 *(Annexure P-1)*. Admittedly, there is no response to the Representations *(Annexures P-3/1 to 3/3)* made by petitioners. However, no Representation has been made to respondent-*Union of India*, who has to take the policy decision to extend the benefits in terms of the Circular *(Annexure P-1)* to retired employees of CDA Pay Pattern, like petitioners.

4. In view of aforesaid, this petition is disposed of with permission to petitioners to make a concise and composite Representation to respondent-*Union of India* to seek extension of benefits in terms of Circular of 8th October, 2010 *(Annexure P-1)* to retired employees under CDA Pay Pattern, like petitioners. Learned counsel for petitioners submits that composite Representation would be made on behalf of petitioners to respondent-*Union of India* within four weeks. Upon receiving of said Representation, respondent-*Union of India* shall deal with it by passing a speaking order within a period of six weeks and shall

convey the fate of Representation to petitioners/representationists within two weeks thereafter. It is made clear that if the benefit in terms of Circular of 8th October, 2010 *(Annexure P-1)* is not granted to petitioners/representationists, then the reasons be spelt out in the speaking order so passed.

5. With aforesaid directions, this petition is disposed of.

(SUNIL GAUR)
JUDGE

MARCH 22, 2018
s