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

+ LPA 29/2020

NATIONAL BAL BHAWAN

..... Appellant

Through: Mr. S. Rajappa and Mr. R.
Gourishankar, Advs.

versus

UMA SHARMA

..... Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

%

20.01.2020

CM APPL. 1995/2020 & CM APPL. 1996/2020

Exemptions allowed, subject to all just exceptions.

The applications stands disposed of.

LPA 29/2020 & C.M. No. 1994/2020

The appellant has preferred the present appeal to assail the judgment dated 27.11.2019, passed by the learned Single Judge in a batch of writ petitions. The learned Single Judge has dismissed the seven writ petitions preferred by the appellant National Bal Bhawan to assail the order dated 11.02.2019 passed by the Assistant Labour Commissioner (Central), Delhi, whereby the respondents were granted gratuity along with interest @ 10% per annum under Section 7(3)A of the Payment of Gratuity Act, 1972.

The submission advanced by the appellant, before the learned Single Judge, was that the respondent was not entitled to gratuity in terms of the

said provision, since they could not be considered as “Employee”, as defined in Section 2(e) of the said Act. The submission was that an Employee does not include any such person who holds the post under the Central Government or the State Government, and is governed by Centre or any other Act or Rules providing for payment of gratuity. According to the appellant, the respondent was holding the post under the Central Government, since the appellant is considered as an instrumentality of the State under Article 12 of the Constitution of India and, since it receives funds from the Central Government.

The learned Single Judge has rejected the said submission, and, in our view, rightly so. Merely because the appellant may be an instrumentality of the State, it does not follow that the employees of the appellant, which is a registered society and functions as an autonomous body, acquire the status of Central Government Employees. It cannot be said that they hold the post under the Central Government. This submission of the appellant needs only to be stated to be rejected.

We, therefore, do not find any merit in this appeal.

Dismissed.

VIPIN SANGHI, J

SANJEEV NARULA, J

JANUARY 20, 2020
N.Khanna