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

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Decided on: 13.02.2020

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W.P.(C) 2533/12

DELHI TOURISM AND TRANSPORTATION DEVELOPMENT
CORPORATION LTD. Petitioner

Through: Ms. Nanda Devi Deka, Adv. with
Mr. Sudhir Yadav, Adv.

versus

KUSUM LATA SHARMA AND ANR Respondents

Through: Mr. Rama Shanker, Adv. with
Mr. Ranjeet Yadav, Adv. for R-1.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

NAJMI WAZIRI, J. (Oral)

1. The petitioner impugns the orders dated 07.12.2007, 19.08.2011 and 12.03.2012 directing the petitioner, *inter alia*, to pay Rs. 1,20,577/- alongwith simple interest @ 10% per annum with effect from 22.10.2001 as gratuity to the respondent for services rendered by her husband till 22.10.2001.

2. The claim petition was filed four years after the said termination of services. Since the workman had died there was no challenge to the termination of his services. His widow has sought payment of monies for the period of his services, which according to the impugned order was roughly 19 years whereas according to the petitioner the period of employment was 15 years 7 months and 12 days, in effect 16 years. The impugned order has computed gratuity on the basis of last drawn salary @

Rs. 11,000/- whereas the petitioner has calculated gratuity on the basis of formula set out as per Swamy's handbook on CCS Rules as applicable for retirement on superannuation of which gratuity is to be calculated by taking into consideration Basic Pay + D.A. X 31/4. Thus, the amount computed is Rs. 41,858/-, which is stated to have been deposited. The petitioner had also deposited Rs 15,000/- towards litigation costs. However, it has taken more than a decade for the monies to be released to the respondent. In the circumstance, for the trouble caused to the widow and for the delay caused in releasing the monies, another Rs. 15,000/- shall be paid to her in addition to the amounts already lying deposited. In view of the above, let Rs. 41,858/- + Rs. 15,000/- along with 10% simple interest thereon from the date mentioned in the award. Relevant computation shall be supplied to the learned counsel for the petitioner within two weeks from the date of receipt of this order and shall be filed before the Registrar General of this Court. The additional Rs. 15,000/- too shall be paid to her within four weeks from the date of receipt of the copy of the order. In the first instance, the amount as computed shall be released to the respondent from the deposited amount. Balance, if any, shall be paid within the four weeks.

3. The petition is disposed-off in the above terms.

4. Let a copy of this order be given *dasti* under the signature of the Court Master to the learned counsel for both the parties.

NAJMI WAZIRI, J

FEBRUARY 13, 2020

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