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

+ **W.P.(C) 8134/2024 & CM APPL. 33422/2024**

POONAM KUMARI

..... Petitioner

Through: Mr. Rishi Manchanda, Mr. Arun
Kumar and Mr. Sachin, Advocates

versus

MUNICIPAL CORPORATION OF DELHI Respondent

Through: Ms. Divya Swamy, Standing Counsel

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

29.05.2024

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(The proceeding has been conducted through Hybrid Mode)

1. This is a writ petition under Article 226 of the Constitution of India seeking release of gratuity, emoluments and other consequential benefits due to the petitioner on account of her retirement / superannuation from the services of the respondent on 30.04.2020.
2. Issue notice.
3. Notice is accepted by Ms. Swamy, learned standing counsel for the respondent-MCD.
4. Ms. Swamy objects to the filing of the present petition on the ground that the subject matter of the present petition ought to have been agitated before the Central Administrative Tribunal, Principal Bench, New Delhi inasmuch the respondent-MCD falls within the Section 14 of the Administrative Tribunals Act, 1985 and the Tribunal



would have the exclusive jurisdiction to deal with this matter.

5. However, she also submits that so far as the petitioner's case is concerned, all other retrial benefits apart from gratuity have already been paid to the petitioner.

6. Mr. Machanda submits that along the gratuity, the arrears of 7th CPC, wherever the said recommendations would impact on the emoluments of the petitioner, are yet to be paid.

7. Keeping in view the peculiar facts of the case and on the medical condition of the husband of the petitioner as also the petitioner and the fact that the petitioner has already superannuated on 30.04.2020 and has not yet been granted her gratuity, which is not a largesse that the respondent is to grant and is a matter of right, this Court directs respondent-MCD to calculate the gratuity payable the petitioner and endeavour to release the same within six weeks from today.

8. In that view of the matter, the petition is disposed of in the above terms without making any observation on the jurisdictional issue.

9. The petition along with the pending application is disposed of.

TUSHAR RAO GEDELA, J

MAY 29, 2024

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