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

+ **W.P.(C) 11189/2024**

GENERAL SECRETARY, CEL RETIRED EMPLOYEES

WELFARE ASSOCIATION (CELREWA)Petitioner

Through: Mr. Naved Khan and Mr. Kamlesh
Kumar Mishra, Advocates.

versus

CENTRAL ELECTRONICS LIMITED & ANR.Respondents

Through: Mr. Anil Mittal and Mr. Shaurya
Mittal, Advocates for Respondent/CEL.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

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19.09.2024

CM APP No. 55010/2024

1. Petitioner has preferred the present application for the final disposal of the present writ petition by passing similar directions as passed by this Court in W.P.(C) 11537/2024 on 21.08.2024
2. Since the matter is still at the admission stage, this application is allowed and disposed of.

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3. This writ petition has been preferred by the Petitioner under Article 226 of the Constitution of India seeking the following relief:

“a) Issue an appropriate Writ in the form of Mandamus or any other appropriate Writ/ Order/ Direction as this Hon’ble Court may deem fit and order/ direct the Respondents herein to pay the arrears amount for enhanced wages (Basic + DA) on pay revision w.e.f. 01.01.2007, against the Earned Leaved Encashment availed by all the retired executives during 45 months (between 01.01.2007 to 30.09.2010) on pay revision



w.e.f. 01.01.2007, carried out by the Respondents for the executives, with 6% interest as has been directed by this Hon'ble court in enhanced wage arrears cases, w.e.f. 1.1.2012 till the date of payment, after setting aside the impugned Clause No. 6.1 of the impugned Office Order No. CP&HRD/PR/2010, dated 22/23.10.2010, issued by respondent No.1 & 2."

4. To the extent relevant, facts are that Central Electronics Ltd. ('CEL'), which is a Central Public Sector Enterprise ('CPSE') executed a Memorandum of Settlement dated 23.12.2010 between the Management of CEL and the Union, carrying out a pay revision for Non-Executives w.e.f. 01.01.2007. *Albeit* Respondents paid the arrears on account of enhanced wages (Basic Pay + DA) on 20.09.2022 but incorporated Clause 6.1 in the Memorandum by which members of the Petitioner Association were denied arrears on enhanced Leave Encashment for a period of 45 months between 01.01.2007 to 30.09.2010.

5. Case of the Petitioner is that this Court in W.P. (C) 13944/2021 and a batch of connected petitions recorded that arrears on account of wage revision carried out in 2007 had been received by the Petitioners and awarded interest at the rate of 6% per annum vide order dated 01.12.2022. This order was challenged by CEL before the Division Bench in LPA No.93/2023 but the same was dismissed vide order dated 15.02.2023 and challenge in the Supreme Court in SLP(C) No.9670/2023 was also unsuccessful *albeit* the Supreme Court granted further time of 3 months to make payments on account of interest awarded by the learned Single Judge. In this petition, Petitioner is primarily aggrieved by non-payment of arrears for enhanced wages limited to EL Encashment availed by the Non-Executives for a period of 45 months as aforementioned. Representations made by the Petitioner are still pending and therefore, as per the Petitioner, it



is not known why the claims of the members of the Petitioner Association are not being entertained.

6. Issue notice.

7. Mr. Anil Mittal, learned counsel accepts notice on behalf of the Respondents.

8. The issue raised in the present writ petition relates to arrears of enhanced wages on pay revision in CEL w.e.f. 01.01.2007 against Earned Leave Encashment granted to retired employees of CEL in a span of 45 months between 01.01.2007 to 30.09.2010 in respect of those retirees who retired post 01.01.2007. Representations made by the Petitioner Association have not been decided so far.

9. Several issues have been flagged by the Petitioner in the present petition and considering that the matter relates to payment of arrears on wage revision to several retired employees of the Petitioner Association, at this stage, it would be appropriate if this writ petition is disposed of with a direction to CEL to take a decision on the grievances ventilated by the Petitioner. In my view, since the matter involves arrears of wages, before a decision is taken, the views of the retired employees, who are the stakeholders, should also be taken into consideration.

10. Accordingly, this writ petition is disposed of directing the Respondents to decide the representation dated 22.01.2023 as also to treat the present writ petition as a representation since some important issues have been flagged by the Petitioner in the present writ petition. Before taking a decision, an opportunity of hearing shall be granted to the stakeholders and therefore, one authorized representative of the Petitioner Association shall be called for a meeting by giving intimation at least one week in advance.



The decision shall be taken within a maximum period of three months from today. A reasoned and speaking order shall be passed by the Respondents which shall be communicated to the Petitioner within one week of the date of decision. Liberty is reserved to the Petitioner to take recourse to legal remedies in case of any surviving grievance.

11. In view of the order passed in the aforesaid application, the writ petition is disposed of directing the Respondents to decide the representation dated 22.01.2023 as also to treat the present writ petition as a representation since some important issues have been flagged by the Petitioner in the present writ petition. Before taking a decision, an opportunity of hearing shall be granted to the stakeholders and therefore, one authorized representative of the Petitioner Association shall be called for a meeting by giving intimation at least one week in advance. The decision shall be taken within a maximum period of three months from today. A reasoned and speaking order shall be passed by the Respondents which shall be communicated to the Petitioner within one week of the date of decision. Liberty is reserved to the Petitioner to take recourse to legal remedies in case of any surviving grievance.

12. Petition stands disposed of in the aforesaid terms.

13. Date of 05.12.2024 stands cancelled.

JYOTI SINGH, J

SEPTEMBER 19, 2024

B.S. Rohella/shivam