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

+ W.P.(C) 12480/2024

MANOJ KUMAR SHARMA

.....Petitioner

Through: Mr. Brijesh Kumar Sharma,
Advocate.

Versus

MMTC LIMITED

.....Respondent

Through: None.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

06.09.2024

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1. This writ petition has been preferred on behalf of the Petitioner under Article 226 of the Constitution of India for a direction to the Respondent to pay Rs.13,15,085/- on account of balance *ex-gratia* compensation to the Petitioner as per Office Memorandum dated 31.07.2023 passed by Department of Public Enterprises ('DPE'), Ministry of Finance, Government of India and Circular dated 10.10.2023, as per which 60 months' salary is payable towards *ex-gratia* payment.

2. Petitioner joined the Respondent on 14.07.1993 as Supervisor and was promoted from time to time. On 31.07.2023, an O.M. was issued by DPE as per which if an employee of a public enterprise takes voluntary retirement after completing 30 years of service with left over service of 5 years or more, he will be entitled for 60 months' salary as *ex-gratia* compensation. This was followed by a Circular dated 10.10.2023 by the Respondent stipulating that if an employee of the Respondent completed 30 years of service then as per DH I pattern of VRS, the employee will be



entitled to 60 months' salary as *ex-gratia* payment. Petitioner avers that he joined the Respondent on 14.07.1993 and took VRS on 30.11.2023 and therefore had rendered a service of 30 years 4 months and 16 days on the date of VRS and was left with a service of more than 7 years as his date of birth is 19.02.1970. As per the last payment made by the Respondent on 27.02.2024, Petitioner calculated the *ex-gratia* amount and made representations to the Respondent for release of the said amount as per their own Circular and the O.M. dated 31.07.2023. However, Respondent has illegally deprived the Petitioner of his entitlement towards *ex-gratia* payment which amounts to Rs.13,15,085/- along with interest @ 24% p.a.

3. Learned counsel appearing on behalf of the Petitioner submits that several representations followed by a legal notice were sent to the Respondent but request of the Petitioner has been rejected by a sketchy and an unreasoned communication dated 22.04.2024 which does not indicate the reason for rejection of the claim of the Petitioner. It is submitted that it would suffice at this stage if a direction is issued to the Respondent to treat this petition as a representation and take a reasoned decision so that the Petitioner is able to know why according to the Respondent he is not entitled to the *ex-gratia* compensation despite O.M. dated 31.07.2023 and Circular dated 10.10.2023 entitling the Petitioner to the same.

4. In view of the limited relief claimed by the Petitioner, at this stage, the writ petition is disposed of directing the Respondent to treat the present writ petition as a representation and decide the same by a reasoned and speaking order indicating the reasons why Petitioner is not entitled 60 months' salary as *ex-gratia* payment in light of the O.M. and Circular referred above, as also the undisputed fact that the Petitioner meets the



criteria of having completed 30 years of service and had a left over service of over 5 years when he took VRS. The decision shall be taken within six weeks from today and the speaking order so passed will be communicated to the Petitioner within one week from the date of the decision and Petitioner will be at liberty to take recourse to legal remedies, in case of any surviving grievance.

JYOTI SINGH, J

SEPTEMBER 6, 2024/jg/shivam