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

+ **W.P.(C) 16319/2024**

TRIBHUWAN SINGH & ORS.

.....Petitioners

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

versus

**DEPARTMENT OF SCIENTIFIC AND INDUSTRIAL
RESEARCH NEW DELHI & ANR.**

.....Respondents

Through: Mr. Jitesh Kumar Srivastava, SPC
with Mr. Amit Acharya, Government Pleader for
R-1.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

26.11.2024

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CM APPL. 68767/2024

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

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3. This writ petition has been preferred on behalf of the Petitioners under Article 226 of the Constitution of India seeking a direction to the Respondents to pay to the Petitioners enhanced gratuity of Rs.10 lacs along with interest on account of pay revision carried out in the Respondent Company w.e.f. 01.01.2007 pursuant to O.M. dated 26.11.2008 issued by Department of Public Enterprises (DPE) for all Central Public Sector Enterprises (CPSEs).



4. Facts to the extent necessary are that Respondent No. 2, which is a CPSE, carried out pay revision w.e.f. 01.01.2007 vide Office Order dated 22/23.10.2010 for Board level and below Board Level Executives and non-unionised Supervisors. This pay revision was in terms of Presidential Directive received by Respondent No. 2 from Ministry of Science & Technology vide letter dated 13.10.2010 based on guidelines issued by DPE vide O.Ms. dated 26.11.2008 and 02.04.2009.

5. It is averred that vide O.M. dated 02.06.2010, DPE enhanced the gratuity to Rs.10 lacs from an earlier ceiling of Rs.3.50 lacs as per Gazette Notification dated 18.05.2010 amending the Payment of Gratuity Act, 1972. In 158th meeting of the Board of Directors of Respondent No. 2, convened on 28.06.2010, pay revision was approved w.e.f. 01.01.2007 in terms of DPE O.Ms. dated 26.11.2008 and 02.04.2009 and thereafter, Department of Scientific & Industrial Research, Ministry of Science & Technology vide O.M. dated 13.10.2010 issued a Presidential Directive to Respondent No. 2 to carry out pay revision including payment of enhanced gratuity to the tune of Rs.10 lacs.

6. Petitioners aver that the Uttarakhand High Court vide judgment dated 13.09.2019, in ***Nawab Khan v. Union of India & Others, Writ Petition (M/S) No. 891/2016*** and connected matters, directed Respondent No. 2 herein i.e. CEL to pay enhanced gratuity of Rs.10 lacs to the Petitioners therein and this judgment was affirmed by the Supreme Court on 25.07.2022 in a batch of Special Leave Petitions, one of them being SLP No. 28903/2019. Review Petition (C) No. 1176/2022 was also dismissed by the Supreme Court on 01.11.2022. Armed with this judgment and the aforementioned O.Ms., Petitioners gave a representation dated 05.11.2024 to



the Respondents seeking payment of enhanced gratuity of Rs.10 lacs. However, the representation is still pending and Petitioners have approached this Court to seek redress.

7. Issue notice.

8. Mr. Jitesh Kumar Srivastava, learned SPC accepts notice on behalf of Respondent No. 1.

9. Mr. Mishra, learned counsel for the Petitioners, at the outset, submits that at this stage it would suffice if a direction is issued to Respondent No. 2 to decide the pending representation in light of DPE O.M. dated 02.06.2010 and minutes of meeting dated 28.06.2010 of the Board of Directors of Respondent No. 2 as well as the Presidential Directive conveyed by Ministry of Science & Technology vide letter dated 13.10.2010 and the amendment to the Payment of Gratuity Act as also in light of the judgment of the High Court of Uttarakhand in *Nawab Khan (supra)*.

10. Accordingly, at this stage, without entering into the merits, this writ petition is disposed of with a direction to Respondent No. 2 to consider the representation dated 05.11.2024 pending with Respondent No. 2 within a period of six weeks from the date of receipt of this order. Needless to state that the decision will be taken keeping in view the enhancement in the upper limit of gratuity by way of amendment to the Payment of Gratuity Act, 1972 as also the judgment of the High Court of Uttarakhand in *Nawab Khan (supra)*, which was upheld by the Supreme Court. While taking the decision, Respondent No. 2 will also take into consideration the Presidential Directive conveyed by Ministry of Science & Technology to Respondent No. 2 vide letter dated 13.10.2010 and O.M. issued by DPE on 02.06.2010 as also minutes of 158th meeting of Board of Directors of Respondent No. 2. A



reasoned and speaking order shall be passed by Respondent No. 2, which shall be communicated to the Petitioners within one week from the date of the decision and Petitioners will be at liberty to take recourse to appropriate legal remedies, in case of any surviving grievance and if so advised.

JYOTI SINGH, J

NOVEMBER 26, 2024/shivam