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

+ W.P.(C) 1036/2023

K BALAKISHAN

.....Petitioner

Through: Mr. Prem K. Singh, Advocate

versus

ASSOCIATION OF CORPORATION AND APEX SOCIETIES OF
HANDLOOMS ACASH

.....Respondent

Through: Mr. Sanjib Kumar Mohanty, SPC
with
Mr. Subesh Kumar Sahoo & Aditya
Acharya, Advocates and Mr. Rahul
Kumar Sharma, GP

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

19.03.2025

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1. Counsel for petitioner has tried to explain the *laches* in filing the present petition, pursuant to previous Order of this Court.
2. A perusal of the affidavit would show that reasons given for delay of 5 years in filing the petition, impugning the Order dated 21st November 2017, is on grounds which do not merit acceptance by this Court.
3. Cursory averments have been given, *inter alia* including, the petitioner having been suffering from *diabetes, thyroid and kidney disease* since 2017.
4. Medical documents have been filed which clearly show that these are regular medical issues and could not have prevented petitioner from assailing orders passed in 2017.
5. The Court is not inclined to issue notice in this petition on account of delay and *laches*.



6. However, notwithstanding the above and considering that petitioner is 73 years of age, the Court is also appreciating the merits of the matter.

7. The challenge is to the Order of 21st November 2017 by the competent authority, under the *Payment of Gratuity Act, 1972*, which awarded the gratuity of Rs.3.5 lakhs, to which, the petitioner was entitled to, from 16th June 1971 till 30th September 2008, based on last drawn wages.

8. Petitioner having received the same, contends that higher amount ought to be awarded since the ceiling was increased to Rs.10 lakhs by virtue of the 6th pay Commission. This contention is unmerited considering the Notification issued on 26th September 2008, by *Ministry of Personnel, Public Grievance and Pension*. A part of the notification states that enhancement of gratuity exemption limit is Rs.10 lakhs from Rs.3.5 lakhs, and that the Notification will be applicable to employees who retire or have become incapacitated, before retirement, or expire or whose services are terminated, *on or after, 24th May 2010*.

9. It is undisputed that petition retired on 30th September 2008 and therefore the contention of respondent's counsel that this enhanced limit does not apply to petitioner, in opinion of this Court, is correct.

10. Petitioner's counsel relies upon the fact that Notification was issued in 2008 and therefore, would apply to petitioner as well. This Court does not find any substance in the said contention.

11. This writ petition is accordingly dismissed.

12. Pending applications, if any, be rendered infructuous.

13. Order be uploaded on the website of this Court.

ANISH DAYAL, J

MARCH 19, 2025/sm/kp