$~91 & 76

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

\+ CONT.CAS(C) 51/2026

MAHARAJ SINGH & ORS. .....Petitioners

Through: Mr. Kamlesh Kumar Mishra, Mr. Naved Khan, Ms. Renu, Advs.

versus

CHETAN PRAKASH JAIN & ANR. .....Respondents

Through: Mr. Anil Mittal, Mr. Atul Chauhan, Mr. Bhim Singh, Advs. for R1
Ms. Shiva Lakshmi, Mr. Madhav Bajaj, Advs. along Mr. Nipun Jain (GP) for R2

\+ CONT.CAS(C) 45/2026, CM APPL. 1928/2026

PRASANNA KUMARI .....Petitioner

Through: Mr. Kamlesh Kumar Mishra, Mr. Naved Khan, Ms. Renu, Advs

versus

CHETAN PRAKASH JAIN & ANR. .....Respondents

Through: Mr. Anil Mittal, Mr. Atul Chauhan, Mr. Bhim Singh, Advs. for R1
Mr. T.P. Singh (Sr. CGSC) for R2

CORAM:
HON'BLE MR. JUSTICE SACHIN DATTA

O R D E R

% **13.01.2026**

CM APPL.2060/2026 (Exemption) in CONT.CAS(C) 51/2026

1. Allowed, subject to all just exceptions.

2. The application stands disposed of.

CONT.CAS(C) 51/2026
CONT.CAS(C) 45/2026

3. The present petitions allege wilful disobedience of the directions

contained in the judgment dated 17.09.2024 passed by this Court in W.P(C) 980/2019. The operative directions in the said judgement are as under:-

> *"18. In view of the limited relief now sought by the Petitioners and without entering into the merits of the inter se disputes, these writ petitions are disposed of leaving it open to the Petitioners to make a comprehensive representation(s) to CEL for reconsideration of the decision denying enhanced gratuity of Rs.20 lacs to the Petitioners in light of the submissions that may be made in the said representations and keeping in backdrop the judgment of the High Court of Uttarakhand in Nawab Khan (Supra) which was upheld by the Supreme Court. As and when the representation(s) are received, the same shall be decided by CEL within a period of 3 months from the date of receipt and a reasoned and speaking order shall be passed thereon. Needless to state Petitioners will be at liberty to take recourse to legal remedies in case of any surviving grievance."*

4. It transpires that pursuant to the above directions, a speaking order dated 18.03.2025 has been passed by the Central Electronics Limited (CEL), *inter alia*, holding as under:-

25 The Presidential Directive dated 15.08.2018 has never been challenged and has been implemented by the CEL by its office order dated 21.08.2018 which is also not in challenge. As such the issue has attained finality and the same cannot now be opened up to expose CEL to liability of enhanced gratuity at this stage. It is pertinent to note that the Hon'ble Delhi High Court in ***Himanshu Srivastava & ors. v. UoI and Ors. [reported in 2023:DHC: 2891]*** has applied the principals of 'affordability' whilst considering the issue of enhanced gratuity. The fact that the issue of affordability has already been considered by the Ministry and experts in the

Ministry, there is no dispute to the fact that as on the relevant date of the implementation of OM 2017, CEL did not have necessary 'affordability' to enhance Gratuity from 01.01.2017. The entitlement of the employees (including retired employees as well as the applicants/petitioners) for any monetary benefit causing financial impact upon the employer has to be decided taking into consideration the circumstances and the employer's financial condition prevailing at the time when such decision is to be taken. Any decision taken in the past, keeping in view the financial condition prevailing at that time, touching the entitlement of the employees for any monetary benefits cannot be reviewed on the ground of changes in financial position of the employer at any later stage.

26 The Nawab Khan Judgment does not in any manner further the case of the employees making the present representation. The employees claim to be applicants seeking impleadment before the Hon'ble Supreme Court in the challenge to Nawab Khan Judgment. However, the Hon'ble Supreme Court dismissed the challenge to the judgment *in liminie* without ever making the employees a party to the *lis*. The employees not being party to the *lis* cannot claim benefit of the judgment.

27 Further, the Nawab Khan Judgment is based on a challenge to the order passed by the Ld. Deputy Labour Commission by the Petitioners therein with respect to their claim of enhanced gratuity being rejected. The Nawab Khan Judgment, therefore, limited the benefit only to the Petitioners therein which is evident from the operative part of the judgment. It may be noted that similarly placed employees have not received the benefit of enhanced gratuity and the same is limited to the Petitioners therein.

28 The said Nawab Khan Judgment having not been interfered by the Hon'ble Supreme Court and there being a dismissal *in liminie*, the same does not merge with the order of the Hon'ble Supreme Court and therefore the benefit is limited to the persons therein, who were before Hon'ble High Court against the challenge to an order of the Ld. DLC.

29 Further, the Hon'ble Delhi High Court in *Himanshu Srivastava (supra)* has taken a view which protect the right of CPSEs on the issue of 'affordability' and the same applies in the present case.

30 Independent of the above, the facts in Nawab Khan Judgment are at variance in the present case. In the present case the Union of India has by an OM dated 10.07.2018 clarified that the applicability of enhanced gratuity wef 01.01.2017 is based on affordability. Further, the Union of India by its affidavit has supported the stand of CEL. These issues were not present in the case of Nawab Khan and not considered by the Hon'ble High Court. The same not being in issue, there decision in Nawab Khan Judgment cannot be made applicable to this case.

31 It is stated that the issue of affordability was to be considered for the relevant period under OM 2017 and cannot be considered post facto. Enhancing the Gratuity at this stage would effectively imply a post facto reconsideration of limits decided in 2017-2018 to the prejudice almost the entire workforce of CEL.

32 CEL highlights that it has all times acted in furtherance of and in line with the Payment of Gratuity Act, 1972 and have given benefits to all its employees including the employees making the representation for benefits of enhanced wages in lieu of increase of pay scales post implementation of OM 2017.

33 Therefore, CEL has at all times acted within four corners of the OM 2017 and the presidential directive. Further, it has complied with all requirements of the Payment of Gratuity Act, 1972. CEL has acted in compliance of all laws and in a bonafide manner. Any variation from the decision taken would be contrary to the presidential directive and prejudicial to the rights of other employees of the CEL.

34 Thus, in the above light the representation is declined and the request made cannot be acceded to.

5. Learned counsel for the petitioner submits that although a speaking order dated 18.03.2025 has been passed by CEL, the same is not in consonance with the dicta laid down in ***Nawab Khan v. Union of India & Others***, Writ Petition (M/S) No. 891/2016 and connected matters. It also transpires that the petitioners have already taken legal recourse by assailing the aforesaid speaking order by way of a substantive writ petition.

6. Considering that the respondents have passed a speaking order in

terms of the directions contained in the judgment dated 17.09.2024 and on a perusal of the said speaking order, it cannot be said that there has been any wilful disobedience by the said respondents with the directions contained in the aforesaid judgment dated 17.09.2024.

7. The petitioners are well within their rights to urge that the speaking order dated 18.03.2025 is based on a clear misconception and misunderstanding of the law laid down in Nawab Khan (Supra). However, this is an aspect which is required to be urged by the petitioners in the writ petition already filed.

8. In the circumstances, this Court is not inclined to entertain these contempt petitions. Accordingly, the present contempt petitions are disposed of.

SACHIN DATTA, J

JANUARY 13, 2026/uk