

(2007) 10 DEL CK 0203

In the Delhi High Court

Case No : Writ Petition No. (C) 11907 of 2006

K.K. Mehral

APPELLANT

Vs

D.T.C.

RESPONDENT

Date of Decision : 31-10-2007

Acts Referred:

Citation : (2008) 116 FLR 262

Hon'ble Judges : Hima Kohli, J

Bench : Single Bench

Advocate : Anil Mittal, for the Appellant; J.N. Aggarwal, for the Respondent

Final Decision : Allowed

Judgement

Hima Kohli, J.—The petitioner has filed the present writ petition praying inter alia for issuance of a writ of certiorari seeking quashing of the order dated 24.5.2006 passed by the respondent/DTC, wherein it was ordered that the petitioner shall not be released gratuity and other dues, except CPF, at the time of his retirement in view of the unauthorized occupation of staff quarter by the petitioner.

Counsel for the petitioner submits that the aforesaid issue is no longer res Integra inasmuch as, vide judgment dated 6th September, 2007 passed in LPA No. 1086/2004 entitled DTC v. Dhanwant Rai and Ors., the Division Bench has upheld the order of the learned Single Judge passed on 20th September, 2004 in WP(C) No. 6573/2003 whereby the respondent/DTC was directed to pay retirement benefits like, gratuity, leave encashment, unpaid salary, etc., to the workman therein along with 10% interest per annum on the principal amount of gratuity, w.e.f. 30 days after the date of superannuation of the workman therein, till the date of payment. It is contended by the Counsel for the petitioner that the facts of the present case are identical to those in the aforesaid writ petition. This fact is not disputed by the learned Counsel for the respondent.

2. In this view of the matter, following the judgment rendered by the Single Judge in the aforesaid writ petition and duly upheld by the Division Bench, it is

directed that the respondent/DTC shall release the gratuity, leave encashment and bonus, if any, to the petitioner. The respondent/DTC is also directed to pay interest to the petitioner on the principal amount of gratuity @ 10% per annum w.e.f. 30 days after the date of superannuation of the petitioner herein i.e. 30th June, 2005, till the date of payment. The aforesaid amounts shall be released by the respondent/DTC to the petitioner within a period of two months from today.

3. The writ petition is allowed to the aforesaid extent. No orders as to costs.