

**Central Administrative Tribunal
Principal Bench, New Delhi.**

OA-2742/2014

Reserved on : 25.04.2017.

Pronounced on : 28.04.2017.

Hon'ble Mr. Shekhar Agarwal, Member (A)

1. Jai Gopal, aged about 66 years,
S/o Sh. Chunni Lal,
Asstt. Cashier, T.No. 22449,
Scindia House, New Delhi.
2. Harkishan, aged about 64 years,
S/o Sh. Nauhey Lal,
Asstt. Cashier, T.No. 22197,
Scindia House, New Delhi.
3. Harish Chander Lal, aged about 65 years,
S/o Late Sh. Ram Kumar,
Sr. Clerk, T.No. 18817,
Scindia House, New Delhi.
4. Brahama Dutt, aged about 65 years,
S/o Sh. Jugal Kishore,
Sr. Clerk, T.No. 18760
HND-Ist, New Delhi.
5. Sh. Krishan Dass, aged about 64 years,
S/o Sh. Ram Chander,
Traffic Inspector, T.No. 23253,
Scindia House, New Delhi.
6. Ramesh Chand, aged about 67 years,
S/o Sh. Bihari Lal,
ATI, T.No. 19706,
Scindia House, New Delhi.

7. Manvir Singh, aged about 65 years,
S/o Sh. Prem Singh,
TI, T.No. 19738,
Scindia House, New Delhi.
 8. B.P. Gupta, aged about 65 years,
S/o Sh. Dhanmj Prasad,
TTC, T.No. 23019,
Nand Nag. Dep., New Delhi.
 9. Rajpal Singh, aged about 65 years,
S/o Sh. Munshi Singh,
ATI, T.No. 23053,
Scindia House, New Delhi.
 10. Ramesh Chand, aged about 67 years,
S/o Sh. Purshotam Dass,
TIC, T.No. 22727,
SNP Depot, New Delhi.
 11. Puran Mal, aged about 64 years,
S/o Sh. Raghubir Singh,
Asstt. Cashier, T.No. 22195,
Scindia House, New Delhi.
 12. Janki Das Dhingra, aged about 64 years,
S/o Sh. Tahla Ram,
Tr. Inspector, T.No. 19720,
Scindia House, New Delhi.
 13. Madan Lal, aged about 66 years,
S/o Sh. Sahid Ditta Mal,
TTC, T.No. 45072,
Peera Garhi Depot, New Delhi.
- ... Applicants
- (through Sh. S.N. Sharma)

Versus

The Chairman (CMD),
Delhi Transport Corporation,
I.P. Estate,
New Delhi.

...

Respondents

(through Sh. Manish Garg with Sh. A.K. Roy)

O R D E R

This O.A. has been filed seeking the following reliefs:-

- “(a) Quash the impugned orders dated 29.11.2010 & reply dated 26.2.2014, 27.2.2014, 14.2.2014 & 9.8.2000 so passed by the respondent.
- (b) Direct the respondent to pay the actual/correct/recalculated amount of gratuity to all the applicants as admissible as per the VI CPC with 18%.
- (c) Direct the respondent to pay the litigation expenses to all the applicants.
- (d) Pass any other order or orders as deemed fit and proper in the facts and circumstances of the case may also be passed in favour of the applicants.”

2. It was agreed upon by the parties that this case was similar to OA-2595/2012 decided by a Co-ordinate Bench of this Tribunal on 11.02.2015. The operative part of the order reads as follows:-

“5. I have heard the learned counsel for the parties and again reconsidered the matter, as directed by the Hon'ble High Court of Delhi. In my considered view, the respondent-DTC has restricted the enhanced rate of gratuity to the employees of the DTC who are governed by the Pension Scheme w.e.f. 24.05.2010 on the basis of the Gazette Notification issued on 17.05.2010 as adopted by their Board w.e.f. 24.05.2010. It is seen that the notification dated 17.5.2010 is for amendment of the Gratuity Act, 2010. By the said Act, the

maximum amount of Gratuity has been enhanced from Rs.3,50,000/- to Rs.10,00,000/-. But the case of the applicant is totally different. It is admitted by the respondent themselves that he belongs to the category of employees who opted for Pension payable under the CCS (Pension) Rules, 1972. The pension as well as Gratuity are integral part of the terminal benefits. Once the respondent-DTC has decided that the persons who have opted under the CCS (Pension) Scheme are entitled to the enhanced terminal benefits on the basis of the 6th Central Pay Commission w.e.f. 01.01.2006, the gratuity and pension being components of composite terminal benefits, their enhancement also shall be paid from the same date.

6. In view of the above position, this OA is again allowed with the direction to the respondent to pay the enhanced Gratuity to the applicant in terms of the recommendations of the 6th Central Pay Commission w.e.f. 01.01.2006. They shall also pay up-to-date arrears of gratuity to the applicant with 9% interest. The aforesaid direction shall be complied with, within two months from the date of receipt of a copy of this order. There shall be no order as to costs."

3. Learned counsel for the respondents, however, submitted that the aforesaid order of the Tribunal has been challenged by the respondents before Hon'ble High Court of Delhi in Writ Petition (C) No. 10227/2015 (Delhi Transport Corporation Vs. Puran Masi Ram). In the aforesaid Writ Petition, Hon'ble High Court of Delhi on 02.11.2015 has passed the following order:-

"Issue notice to the respondent to show cause as to why *Rule nisi* be not issued. Notice in the stay application as well. Counsel for the respondent enters appearance on advance copy and accepts notice.

List on 22.02.2016 for preliminary hearing.

Counsel for the respondent submits that till the next date of hearing, the contempt petition would not be pressed."

The next date of hearing of the Writ Petition is 19.05.2017. Learned counsel submitted that the decision of Hon'ble High Court of Delhi in Writ Petition may be awaited.

4. On the other hand, Sh. S.N. Sharma appearing for the applicants submitted that this case may be decided in terms of the order of the Tribunal passed in OA-2595/2012. Thereafter, whatever orders are passed by Hon'ble High Court of Delhi in the pending Writ Petition shall also apply to this case as well.

5. After considering the submissions of both sides and after noticing that the order of this Tribunal has not been stayed by Hon'ble High Court of Delhi and that the only direction given by them is that Contempt Petition would not be pressed during pendency of the Writ Petition, I am inclined to agree with learned counsel for the applicants. No useful purpose would be served by keeping this matter pending.

6. Accordingly, I allow this O.A. in terms of the order of this Tribunal in OA-2595/2012 dated 11.02.2015. No costs.

(Shekhar Agarwal)
Member (A)

/Vinita/