

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) No. 10546/2009 & CM No. 9352/2009 (for stay)**
% **Date of Decision: 31st July, 2009**

MUNICIPAL CORPORATION OF DELHI PETITIONER
! Through: Mr. Nalin Tripathi, Addl. Standing Counsel

VERSUS

\$ SH. DHAN PALRESPONDENT
^ Through: None

CORAM:
Hon'ble MR. JUSTICE S.N. AGGARWAL

1. Whether reporters of Local paper may be allowed to see the judgment? **NO**
2. To be referred to the reporter or not? **NO**
3. Whether the judgment should be reported in the Digest? **NO**

S.N.AGGARWAL, J (ORAL)

The question raised for determination in this writ petition is covered by an earlier judgment of this Court dated 06.07.2009 in W.P.(C) No. 9052/2009 titled Municipal Corporation of Delhi Vs. Babu Lal wherein it was held that the Payment of Gratuity Act, 1972 is applicable to those employees who have retired from the service of the MCD prior to the date of exemption under Section 5 of the Payment of Gratuity Act, 1972 having been granted by the Central Government from applicability of this Act to the MCD vide Notification dated 22.07.2005 w.e.f. 06.08.2005.

2 This writ petition filed by the MCD (the petitioner herein) is directed against an order dated 27.03.2009 passed by the appellate authority confirming the order dated 15.03.2007 of the controlling authority under the Payment of Gratuity Act, 1972 directing the petitioner to pay an amount of Rs.20,702/- with 10% simple interest being the amount of

balance gratuity admissible to the respondent workman who had retired on 30.06.2004 before the MCD was exempted from the provisions of the Payment of Gratuity Act, 1972.

3 In view of the above, I do not find any infirmity in the impugned order of the appellate authority or that of the controlling authority that may call for an interference by this Court in exercise of its extraordinary discretionary writ jurisdiction under Article 226 of the Constitution of India. This writ petition along with stay application is devoid of any merit and is dismissed in limine.

JULY 31, 2009
'bsr'

S.N.AGGARWAL, J