

U.O.i. Vs. Dilip Kumar and ors.

U.O.i. Vs. Dilip Kumar and ors.

SooperKanoon Citation : sooperkanoon.com/850721

Court : Rajasthan

Decided On : Mar-04-2010

Judge : A.M. Sapre and; Dinesh Maheshwari, JJ.

Appellant : U.O.i.

Respondent : Dilip Kumar and ors.

Disposition : Appeal dismissed

Judgement :

1. This is an intra-court appeal filed by the petitioner of Writ Petition No. 3435/1995 (U.O.I. v. Dilip Kumar and Ors.) under Section 18 of the Rajasthan High Court Ordinance against an order dated 20.11.2000 passed by the learned Single Judge in Writ Petition No. 343 5/1995.

2. This is what the learned Single Judge observed while dismissing the writ of the appellant.:

By way of impugned order at Annexure-6 dt. 22nd February, 1995 the appellate authority allowed the appeal filed by the respondent-workman and held that he was entitled to an amount of Rs. 6853/- as gratuity under the Payment of Gratuity Act, 1972.

Under the circumstances, without going into legality and validity of the order and any other question involved in this petition, this petition is required to be dismissed

because of the meagre amount of Rs. 6853/- as gratuity is involved in this petition.

Hence dismissed.

3. Having heard the learned Counsel for the parties and on perusal of the record, we are inclined to uphold the order passed by the learned Single Judge.

4. In our view, the reasoning and the conclusion of the learned Single Judge is just and proper calling no interference in our appellate jurisdiction . It is a case where the question before the competent authorities and then before the writ-court was whether claim of respondent in relation to the payment of Rs. 6853/- towards claim of gratuity on respondents attaining the age of superannuation is justified or not. It was held to be so justified by two Courts below and accordingly the application made by respondents (employee) was allowed by giving impugned directions to pay the money to respondents towards his claim of gratuity. In our view, it is not a fit case for the Union of India to pursue in an appeal because firstly the amount involved is very meagre and secondly substantial justice is done to employee.

5. The learned Counsel for the appellant, however, tried to argue some point of law which according to him arise in this appeal. We do not wish to go into any such question of law though sought to be raised by the appellant. As stated supra in our opinion, substantial justice is done to parties when the claim for gratuity of respondent (employee) was allowed by competent authority under the Payment of Gratuity Act in the first instance and later upheld by writ- court by impugned order.

6. We, however, make it clear that our order so also the order of writ-court impugned in this appeal be not treated as precedent for deciding the rights of other employees on any issue of law which according to learned Counsel for the appellant arise in this case because on facts, we are satisfied that substantial justice is done to respondent (employee).

7. Accordingly, and in view of the aforesaid reasons, which are sufficient for dismissal of this appeal, the appeal fails and is hereby dismissed.

8. We, however, direct the appellant to release the payment of Rs. 6853/- within a period of three months from today in favour of respondent as per directions

contained in the impugned order of the competent authority and under the Payment of Gratuity Act, 1972 if not so far released.

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com