

ITEM NO.30

Court 15 (Video Conferencing)

SECTION X

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 1803/2018

(Arising out of impugned final judgment and order dated 01-11-2017 in WP No. 395/2017 passed by the High Court Of Uttarakhand At Nainital)

G.B. PANT UNIVERSITY OF AGRICULTURE AND TECHNOLOGY Petitioner(s)

VERSUS

SRI DAMODAR MATHPAL

Respondent(s)

WITH

SLP(C) No. 4454/2018 (X)

SLP(C) No. 4651/2018 (X)

SLP(C) No. 2484/2018 (X)

SLP(C) No. 2474/2018 (X)

SLP(C) No. 2470/2018 (X)

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SLP(C) No. 2471/2018 (X)

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SLP(C) No. 3597/2018 (X)

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SLP(C) No. 5928/2018 (X)

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SLP(C) No. 3934/2018 (X)

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SLP(C) No. 4196/2018 (X)

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SLP(C) No. 4625/2018 (X)

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SLP(C) No. 4622/2018 (X)

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SLP(C) No. 4451/2018 (X)

)

SLP(C) No. 4482/2018 (X)

)

SLP(C) No. 4623/2018 (X)

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SLP(C) No. 4616/2018 (X)

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SLP(C) No. 4624/2018 (X)

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SLP(C) No. 4626/2018 (X)

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SLP(C) No. 4619/2018 (X)

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SLP(C) No. 4638/2018 (X)

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SLP(C) No. 4020/2018 (X)
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SLP(C) No. 3866/2018 (X)
)
SLP(C) No. 4997/2018 (X)
)
SLP(C) No. 4161/2018 (X)
)
SLP(C) No. 3601/2018 (X)
)
SLP(C) No. 3600/2018 (X)
)
SLP(C) No. 4484/2018 (X)
)

Date : 18-11-2021 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DINESH MAHESHWARI
HON'BLE MR. JUSTICE VIKRAM NATH

For Petitioner(s) Mr. Jatinder Kumar Bhatia, AOR
Mr. Krishnam Mishara, Adv.

For Respondent(s) Dr. Sumant Bhardwaj, Adv.
Ms. Mridula Ray Bharadwaj, AOR
Mr. Vedant Bhardwaj, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Having heard learned counsel for the petitioner and having perused the material placed on record, we are at one with the view taken by the High Court that mere exercise of option by an employee, to avail the benefit of extension of age of retirement to 60 years, could not have operated against his entitlement to gratuity; and exercising of such an option will not deprive the private respondents to gratuity unless and until the establishment i.e., the petitioner-University, was exempted in strict compliance of Section 5 of the Payment of Gratuity Act, 1972, after prior approval of the State Government. There being no such exemption

availed by the petitioner-University, the High Court has rightly not interfered with the principal part of the orders passed by the Controlling Authority and the Appellate Authority.

On the other hand, the High Court has been rather considerate to the petitioner in reducing the rate of interest awarded to the private respondents from 10% to 6% p.a.

In view of the above, no case for interference is made out.

Hence, these special leave petitions stand dismissed.

All the pending applications stand disposed of.

(POOJA SHARMA)
SENIOR PERSONAL ASSISTANT

(SUNIL KUMAR RAJVANSHI)
BRANCH OFFICER