

ITEM NO.12

COURT NO.5

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). 28903/2019

(Arising out of impugned final judgment and order dated 13-09-2019 in WPMS No. 891/2016 passed by the High Court Of Uttarakhand At Nainital)

CENTRAL ELECTRONICS LIMITED

Petitioner(s)

VERSUS

NAWAB KHAN & ORS.

Respondent(s)

(FOR ADMISSION and Interim Relief and
IA No.187938/2019-EXEMP.FROM FILING C/C OF THE IMPUGNED JUDGMENT,
IA No.187939/2019-PERM.TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEX.)

WITH SLP(C) No. 28952/2019 (X)
(FOR ADMISSION and Interim Relief and
IA No.188461/2019-EXEMP.FROM FILING C/C OF THE IMPUGNED JUDGMENT,
IA No.188460/2019-PERM.TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEX.)

SLP(C) No. 28967/2019 (X)
(FOR ADMISSION and Interim Relief and
IA No.188614/2019-EXEMP.FROM FILING C/C OF THE IMPUGNED JUDGMENT,
IA No.188615/2019-PERM.TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEX.)

SLP(C) No. 28968/2019 (X)
(FOR ADMISSION and Interim Relief and
IA No.188616/2019-EXEMP.FROM FILING C/C OF THE IMPUGNED JUDGMENT,
IA No.188617/2019-PERM.TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEX.)

SLP(C) No. 28969/2019 (X)
(FOR ADMISSION and Interim Relief and
IA No.188619/2019-EXEMP.FROM FILING C/C OF THE IMPUGNED JUDGMENT,
IA No.188620/2019-PERM.TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEX.)

SLP(C) No. 28932/2019 (X)
(FOR ADMISSION and Interim Relief and
IA No.188155/2019-EXEMP.FROM FILING C/C OF THE IMPUGNED JUDGMENT,
IA No.188149/2019-PERM.TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEX.)

Date : 16-12-2019 These petitions were called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE R. BANUMATHI
HON'BLE MR. JUSTICE A.S. BOPANNA

For Petitioner(s) Ms. Madhvi Divan, ASG
 Mr. Jasmeet Singh, AOR
 Mr. Sahil Monga, Adv.
 Mr. Saif Ali, Adv.
 Mr. Satyendra Mani Tripathi, Adv.
 Ms. Rusheet Saluja, Adv.
 Mr. Pushpendra Singh Bhadoriya, Adv.

For Respondent(s)

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

We have heard Ms. Madhvi Divan, learned Additional Solicitor General along with Mr. Jasmeet Singh, learned counsel appearing for the petitioner-Central Electronics Limited.

It is *inter alia* submitted by learned Additional Solicitor General that the Office Memorandum dated 26.11.2008 when it was issued was only advisory and that it had the statutory force only w.e.f. 24.05.2010. It was *inter alia* submitted that unless there is a Presidential directive with respect to the gratuity the increased gratuity amount cannot be paid. It was submitted that the Controlling Authority and the High Court were not right in directing the petitioner to pay the gratuity of Rs.10,00,000/- (Rupees Ten Lakhs), based upon Office Memorandum dated 26.11.2008 which was only an advisory at the relevant point of time.

Having regard to the submissions made at the Bar, issue notice.

There shall be stay of the impugned judgment(s) until further orders from this Court.

(MAHABIR SINGH)
 COURT MASTER

(BEENA JOLLY)
 BRANCH OFFICER