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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 12162/2021

STATE TRADING CORPORATION OF INDIA LIMITED

..... Petitioner

Through: Mr. Lalit Mohan, Adv.

versus

HARISH MALHOTRA

..... Respondent

Through: Mr. Bhagwan Swarup Shukla, CGSC
(*Amicus Curiae*) with Mr. Sarvan
Kumar, Adv.

Mr. A.K. Roy, Adv. for R-2.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

30.11.2022

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1. While granting further four weeks' time to the petitioner to file a response to the affidavit filed by the respondent no. 2, it is noted that the petitioner has approached this Court assailing the order dated 27.07.2021 passed by the Controlling Authority for payment under Gratuity Act directing the petitioner to pay to respondent no. 1 a sum of Rs.75,089/- with interest @10% p.a. w.e.f. 01.06.2018.
2. It transpires that the only dispute before this Court is as to whether it is the petitioner who is liable to pay the said amount or whether the said amount is to be paid by the respondent no. 2 with whom the respondent no. 1 had worked for a period of about two years. Taking into account that both the petitioner and the respondent no. 2 are Public Sector Undertakings under the Central Government, it would be



highly unjust to deprive the respondent no. 2 of the amount payable to him towards his gratuity till the inter se dispute between petitioner and respondent no. 2 are resolved. In any event, the principal gratuity amount has already been deposited by the petitioner before this Court. It is therefore, directed that the amount already deposited by the petitioner before this Court pursuant to order dated 27.10.2021 towards arrears of gratuity be released in favour of respondent no. 1 with up to date interest thereon.

3. In case, it is finally held that the respondent no. 2 is liable to pay the said amount towards gratuity to respondent no. 1, directions in this regard will be issued to the petitioner on the next date. Similarly, if it is found that respondent no. 1 is also entitled to receive interest in terms of the impugned order, necessary directions in this regard will also be issued on the next date.
4. This Court appreciates the efforts put in by Mr. B.S. Shukla, Amicus Curiae.
5. List on 19.04.2023.

NOVEMBER 30, 2022
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REKHA PALLI, J