

**17506HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

S.B. Civil Writ Petition No. 2045 / 2015

Managing Commi Shri Jain And Anr

-----Petitioner

Versus

Commissioner Of College &Anr

-----Respondent

For Petitioner(s) : Mr. Sanjay Sharma

For Respondent(s) : Mr. Arvind Gupta

HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Order

13/04/2017

One of the argument raised by the learned counsel for the petitioner is that gratuity which is admissible to the respondent would be amount as fixed under the Payment & Gratuity Act, 1972 from time to time keeping in view of the language used in Rule 82 of the Rajasthan Non-Government Educational Institution Rules, 1993. It is submitted that the amendment made in Section 4(3) of the Payment & Gratuity Act, 1972 was brought w.e.f. 24.5.2010 and the amount of gratuity to be released was increased from 3,50,000/- to 10,00,000/- whereas the respondent retired earlier and the counsel for the respondent has relied on notification issued by the Government Rajasthan dated 12th September, 2008 whereby amendments were made in the Rajasthan Civil Services Pension Amendment Rules 2008 increasing the gratuity amount from Rs.3,50,000/- to 10,00,000/- w.e.f. 1.1.2007.

This Court is therefore required to decide as to what amount

has to be paid to the respondent under the head of the gratuity as the respondent has retired on 31st August, 2007. Counsel for the respondent wants time to check out the notification issued under the Act of 1972. He may place the original gazette notification whereby the amendment was made in the Act of 1972 before this Court.

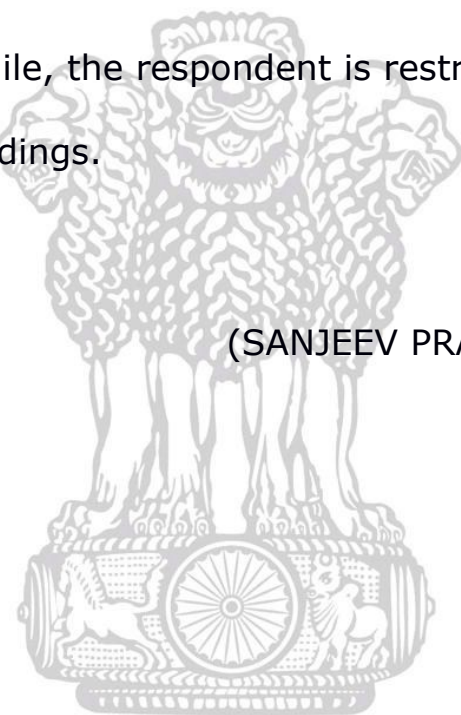
List the matter after two weeks. The petitioners have already paid to the respondent a sum of Rs.3 lacs, therefore, they shall provide the details of the dues for which the respondent is entitled as per their record by the next date.

Let the matter come up on 8th May, 2017.

In the meanwhile, the respondent is restrained from pressing for executive proceedings.

(SANJEEV PRAKASH SHARMA)J.

Anu/79



सत्यमेव जयते