

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S). 9008-9009 of 2012

STATE OF HARYANA & ORS.

Appellant(s)

VERSUS

ISHWAR SINGH

Respondent(s)

WITH

Civil Appeal No. 9017/2012

Civil Appeal No. 9018/2012

O R D E R

We have heard learned counsel for the parties.

The respondents retired prior to 1<sup>st</sup> April, 1995. As per subsequent decision gratuity was enhanced for those who retired after 1<sup>st</sup> April, 1995. Plea of the respondents is that they are entitled to enhancement of gratuity irrespective of the cut off date, which plea has been upheld by the High Court.

Learned counsel for the appellant has relied upon judgment of this Court in State of Punjab Vs. Aman Nath Goyal, (2005) 6 SCC 754 holding that cut off date was permissible having regard to financial implications. In the said judgment it was observed:

"The only question, which is relevant and needs consideration, is whether the decision of the Central and State Governments to restrict the revision of the quantum of gratuity as well as the increased ceiling of gratuity consequent upon merger of a portion of dearness allowance into dearness pay reckonable for the purpose of calculating gratuity, was irrational or arbitrary.

It is difficult to accede the arguments on behalf of the employees that a decision of the Central Government/State Governments to limit the benefits only to employees, who retire or die on or after 1/4/1995, after calculating the financial implications thereon, was either irrational or arbitrary. Financial and economic implications are very relevant and germane for any policy decision touching the administration of the Government at the Central or at the State Level."

In these circumstances, we are unable to sustain the view taken by the High Court in the impugned order which is hereby set aside.

The appeals are accordingly allowed.

Pending applications, if any, shall also stand disposed of.

.....J.  
(ADARSH KUMAR GOEL)

.....J.  
(UDAY UMESH LALIT)

New Delhi,  
August 2, 2017.

ITEM NO.104

COURT NO.12

SECTION IV

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

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STATE OF HARYANA &amp; ORS.

Appellant(s)

VERSUS

ISHWAR SINGH

Respondent(s)

WITH C.A. No. 9017/2012 (IV)C.A. No. 9018/2012 (IV)

(With appln(s) for exemption from filing O.T., seeking permission  
to bring additional facts and prayer for interim relief)

Date : 02-08-2017 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ADARSH KUMAR GOEL

HON'BLE MR. JUSTICE UDAY UMESH LALIT

For Appellant(s)      Mr. Manish Paliwal, Adv.  
                                 Mr. Gautam Sharma, Adv.  
                                 Mr. Vikas Aggarwal, Adv.  
                                 Dr. Monika Gusain, AOR

For Respondent(s)    Mr. Nidhesh Gupta, Sr. Adv.  
                                 Mr. Tarun Gupta, Adv.  
                                 Mr. Puneet Varshney, Adv.  
                                 Ms. Vriti Gujral, Adv.  
                                 Ms. S. Janani, AOR

Mrs. K. Sarada Devi, AOR

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

In terms of the signed order, the appeals are allowed.

(MAHABIR SINGH)  
COURT MASTER

(PARVEEN KUMARI PASRICHA)  
COURT MASTER

(Signed order is placed on the file)