

Court No. - 6

Case :- WRIT - C No. - 30792 of 2023

Petitioner :- Secretary Krishi Utpadan Mandi Samiti

Respondent :- Surendra Singh And 3 Others

Counsel for Petitioner :- Adarsh Bhushan

Counsel for Respondent :- Amit Kumar Mishra

Hon'ble Mrs. Manju Rani Chauhan,J.

Heard Mr. Adarsh Bhushan, learned counsel for petitioner and Mr. Amit Kumar Mishra, learned counsel for respondent no.1.

Learned counsel for respondent no. 1 raised a preliminary objection regarding maintainability of the writ petition as the statutory remedy of filing an appeal is available under Section 7(7) of the Payment of Gratuity Act, 1972.

Learned counsel for the petitioner relying upon the judgement of the Supreme Court in the case of **Prem Singh v. State of Uttar Pradesh and others, (2019) 10 SCC 516** submits that without recording any finding as to how ad hoc services of the petitioner can be taken into consideration as qualifying services for the payment of gratuity, the respondent authority has passed the order impugned. This Court feels that, on merits, the order can be challenged by way of statutory appeal as provided under the Act, 1972.

On the aforesaid, learned counsel for the petitioner prays for three weeks' time to file appeal with requisite deposit as required under the relevant provisions of the Act. Accordingly, a direction is issued that in case any such appeal is filed within three weeks from today, same may be decided expeditiously, preferably within a period of next six months ignoring the delay, if any.

Needless to say that in case the statutory appeal is not filed within the time, prescribed above, along with requisite deposit, it shall be open for the authorities concerned to proceed in accordance with law.

The writ petition stands **disposed off**.

No order as to costs.

Order Date :- 26.10.2023

Kalp Nath Singh