

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

WP(C) No. 1388/2025
CM No. 3284/2025

Sham Lal, age 60 years, S/o Bal Krishan, R/o Channi
Himmat, Sector-03, Jammu

.....Petitioner(s)

Through: Mr. Irfan Khan, Advocate

Vs

1. The Jammu Co-Operative Wholesale Ltd through its Respondent(s)
General Manager, Super Bazar, Jammu
2. Deputy Commissioner (Collector), Jammu.
3. Assistant Labour Commissioner Jammu (Controlling
Authority Under the Payment of Gratuity Act, 1972).
4. Tehsildar Recovery, Jammu.

Through:

Coram: HON'BLE MR. JUSTICE MOHD. YOUSUF WANI, JUDGE

ORDER(ORAL)

31.05.2025

1. Through the medium of the instant petition filed under Article 226 of the Constitution of India, the petitioner has sought the issuance of writ/ direction in the nature of mandamus for commanding the respondents 2 and 4 to recover the Award amount from respondent No.1`in terms of the reference made by the Controlling Authority (Assistant Labour Commissioner, Jammu) under Section 8 of the Payment of Gratuity Act, 1972 at an earliest in accordance with law.
2. The case of the petitioner in nutshell is that he was the ex-employee of the Jammu Cooperative Wholesale Limited, Super Bazar, Jammu, having worked with the said Society continuously for a period of more than 35 years with the joining of his services as on 28.05.1988. That he retired from his services upon attaining the age of superannuation on 30.11.2023 with last posting held by him as Accountant. That after his retirement, the respondent No.1 was required to release his gratuity as per the provisions of Payment of Gratuity Act, 1972 which he omitted to do thereby constraining him to approach the competent forum i.e the Assistant Labour

Commissioner, Jammu with a petition on 08.01.2024. That an Award dated 22.07.2024 was passed by the learned Controlling Authority in his favour for an amount of Rs.10,51,698/- to be payable by the respondent No.1 within a period of thirty days. That upon failure of the respondent No.1 to deposit the Award amount within stipulated period, he approached the learned Controlling Authority which referred the matter for execution in terms of Section 8 of the Act to the respondent No.2, who in-turn, referred the matter to respondent No.4 for recovery of the Award amount from respondent No.1. That unfortunately, the respondents 2 and 4 have slept over the matter which has exposed the petitioner to great hardships. The petitioner through the medium of the instant petition, accordingly, seeks a direction upon the respondents 2 and 4 to expedite the recovery proceedings in accordance with law.

3. Having regard to the grievance of the petitioner, the matter in the opinion of the Court can be disposed of at this threshold stage without notice to the other side by passing appropriate directions which otherwise are meant to be obeyed by the respondents 2 and 4 under law.
4. Accordingly, the instant petition is **disposed of** at this stage with direction to the respondents 2 and 4 to expedite the recovery proceedings pursuant to the reference made by the Court of Assistant Labour Commissioner, Jammu in terms of Section 8 of the Payment of Gratuity Act, 1972 and make an endeavour to conclude the proceedings by realizing the Award amount within a period of eight weeks.

(Mohd. Yousuf Wani)
Judge

Jammu
31.05.2025
Vijay

Whether the order is speaking: No
Whether the order is reportable: No