

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

**CR No. 2018 of 2014 (O&M)**  
**Date of Decision : 05.02.2015**

Sri Guru Ram Dass Institute and another ....Petitioners

Versus

Anita Aggarwal and another ....Respondents

**CORAM: HON'BLE MR. JUSTICE R.P. NAGRATH**

1. *Whether Reporters of the local papers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the digest?*

Present: Mr. Kanwaljit Singh, Senior Advocate with  
Mr. Ajaivir Singh, Advocate  
for the petitioners.

Mr. Kapil Kakkar, Advocate  
for the respondents.

**R.P. Nagrath, J. (Oral)**

The challenge in the instant petition is to the order dated 08.01.2014, passed by the trial Court, directing the petitioner to make due payments under different heads i.e. placement under the time scale of 4-9-14, gratuity, leave encashment and CPF.

Learned counsel for the respondent-decree holder submits that the amounts under the heads of placement in the time scale, leave encashment and CPF have since been paid to the respondent-decree holder and the dispute is only to the grant of gratuity.

I have heard learned counsel for the parties, perused the impugned order and the paper-book.

At the time when the suit was instituted on 14.08.2000, respondent-DH was still in service and she put in her papers in the year 2010. The decree granted by the trial Court was affirmed in appeal, Regular Second Appeal against which was also dismissed. The observations of the trial Court was to the following effect:-

*“15. In view of my discussion on issue no. 1, the suit of the plaintiff is hereby decreed to the effect that the plaintiff is entitled to the salary as per the terms and conditions of employment and the rules of the Guru Nanak Dev University, Amritsar and the Punjab Government Rules as applicable to the similarly placed employees. The plaintiff is also entitled to the time scale placements and also to the leave in accordance with the Ordinances laid down by the Guru Nanak Dev University. The defendants are hereby directed to give the plaintiff her salary, allowances, time scale placements and leave accordingly. Decree sheet be prepared. File be consigned to the record room.”*

At that time the question of entitlement for gratuity was never raised nor decided. Obviously the payment of gratuity was not forming part of the decree. On an application filed under Section 151 CPC which thus was not under Order XXI CPC, the learned trial Court could not have directed the payment of gratuity which is a contested issue.

In view of the above, the impugned order is quashed to

the above extent with liberty to the respondent-DH to avail of the appropriate remedy for release of gratuity. Petitioners are claiming that they have paid the excess amount under some of the heads, for which the petitioners can obviously have appropriate remedy.

The instant petition is disposed of with the aforesaid directions and observations.

**February 05, 2015**

jk

**( R.P. NAGRATH )  
JUDGE**