

CWP No 13240 of 2015

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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No 13240 of 2015

Date of Decision: 08.08.2016

Harnek Singh and Others

... Petitioners

VS.

State of Punjab and Others

..Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Sunny Singla, Advocate,
for Ms. Riti Aggarwal, Advocate,
for the petitioners.

Mr. Rajat Bansal, AAG, Punjab.

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

KULDIP SINGH (J.)

The petitioners, who are retired employees from the various Municipal Councils/Corporations, seek the payment of gratuity as per provisions of the Payment of Gratuity Act, 1972. It is stated that after the retirement of the petitioners, the gratuity amount was released to them under the Punjab Civil Services Rules. However, later they seek payment of gratuity under the Payment of Gratuity Act, 1972.

The respondents have placed on file, the order dated 08.02.2016 (*Annexure R-1*) vide which the gratuity was ordered to be released to several employees of different Municipal Councils and Corporations as per the Payment of Gratuity Act, 1972, subject to the final outcome of the pending review petitions. It is stated that gratuity to the most of the employees has been released and in case of some of the employees it has not been released as per the provisions of Payment of Gratuity Act, 1972.

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It being so, if some of the petitioners feel that the order dated 08.02.2016 is not complied with by the Municipal Councils/Corporation, they can approach the Corporation for compliance of said order and if they still feel that the orders are not complied with, they can always approach the controlling authority under the Payment of Gratuity Act, 1972 for payment of gratuity as in the case of payment of gratuity, equally efficacious remedy is available and writ of mandamus does not lie.

Petition stands disposed of accordingly.

August 8, 2016
Suresh Kumar

[KULDIP SINGH]
JUDGE

	✓		
<i>Whether speaking / reasoned</i>	<i>Yes</i>	<i>/</i>	<i>No</i>
			✓
<i>Whether Reportable</i>	<i>Yes</i>	<i>/</i>	<i>No</i>