

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

CWP No.16491 of 2013 (O&M)

Date of decision : July 21, 2016

Vijay Kumar Chadha

..... Petitioner

Versus

Appellate Authority and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Jasmer Singh Rozera, Advocate for the petitioner.

Mr. Kartik Gupta, Advocate for respondent No.3.

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 ?

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KULDIP SINGH J. (ORAL)

Petitioner has impugned the order dated 27.12.2011 (Annexure P-2) passed by the Controlling Authority under the Payment of Gratuity Act, 1972 (in short 'the Act'), Ambala, whereby it was held that the said Authority has got no jurisdiction and that the Army I.T.I. is controlled by the Centre Government and in that case different Authority has got jurisdiction. Also challenged is the order dated 29.03.2013 passed by the Appellate Authority under the Act, vide which the appeal filed by the petitioner was dismissed.

I have heard learned counsel for the parties and have also carefully gone through the case file.

It is not denied that the Army I.T.I. is registered under the Societies Registration Act, 1860 at serial No.520 in the year 1998-99. Once, the institute is registered under the Societies Registration Act, 1860, *prima facie*, it cannot be called a Government Institute under the Centre Government.

In these circumstances, the impugned orders are set aside and the case is remanded to the Controlling Authority under the Act to allow the parties to lead evidence on all the issues and also bring on file the said registration certificate, so as to determine the nature of the Army I.T.I. and thereafter pass a speaking order on the same.

The parties are directed to put in appearance before the Controlling Authority under the Act, Amabala on 23.08.2016 at 10.00 a.m.

The present writ petition is allowed, accordingly.

(KULDIP SINGH)
JUDGE

July 21, 2016
sarita