

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No. 23603 of 2014
Date of Decision:- 05.04.2016

The Sonipat Coop. Sugar Mills Ltd.

....Petitioner

Versus

Jagdev Singh

....Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Anand Bhardwaj, Advocate,
for the petitioner.

Mr. Ram Pal Verma, Advocate
for the respondent.

RITU BAHRI, J. (Oral)

Petitioner by way of present petition seeking directions for quashing of impugned orders dated 31.03.2014 (Annexure P-6) and order 21.08.2014 (Annexure P-8) whereby the respondent has been awarded gratuity along with interest.

A perusal of order dated 31.03.2014 (Annexure P-6) shows that the respondent had led documentary evidence Ex.PW-1/A and PW-2/B to show that he worked for 240 days from 1980 to 1995 in a year and for rest of the period of service i.e. 1996 to 2013 he could not lead any evidence to show that he worked 240 days in a year.

As per sub-section 2 of Section 4 of the Payment of Gratuity Act, 1972, he was held entitled gratuity @ 15 days for every completed

year w.e.f. 1980 to 1995 and @ 7 days for every year from 1996 to 2013 i.e. 18 years.

Learned counsel for the petitioner has referred to Section 4 (ii) of the Payment of Gratuity Act, 1972 (Annexure P-5) and contends that a seasonal employee is entitled to gratuity @ 7 days for each season. This proviso in view of the evidence led by the respondent before the authorities cannot be applied to the service benefit for the year 1980 to 1995.

After hearing the learned counsel for the parties, going through the record, this Court is of the considered view that the calculation has been made by the controlling authority rightly by giving the benefit @ 15 days wages per year for which he has worked 240 days and @ 7 days wages per year for which he worked as a seasonal worker. The calculation does not require any interference. The present writ petition is without any merit and the same is hereby dismissed.

April 05, 2016
naresh.k

(RITU BAHRI)
JUDGE