

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Sr. No.105

LPA-1582-2015**Decided on : 1st February, 2016****M/s Paramount Impex Pvt. Ltd.****.... Appellant****VERSUS****The Appellate Authority & ors.****..... Respondents**

CORAM: **HON'BLE MR. JUSTICE RAJIVE BHALLA**
HON'BLE MS. JUSTICE LISA GILL

Present: **Mr. Adish Gupta Advocate**
for the appellant.

RAJIVE BHALLA, J. (Oral)

The appellant challenges order dated 05.10.2015, dismissing their writ petition and as a consequence affirming order dated 27.07.2015 passed by the Controlling Authority directing the appellant to pay arrears of gratuity alongwith interest.

Counsel for the appellant submits that the appellant has produced a receipt evidencing payment of gratuity but the Controlling Authority had rejected the receipt by holding that it has not been proved. The Controlling Authority had no jurisdiction to reject the receipt merely because payment was made in cash. Counsel for the appellant also urges that interest should not have been awarded to the workman on account of delay in approaching the authority.

We have heard counsel for the appellant but are not inclined to grant any relief, in view of the fact that apart from a receipt which has not been proved, there is no evidence of payment, by reference to account books,

balance sheet etc. The appellant was granted an opportunity to produce accounts reflecting payment of gratuity but has expressed his inability to produce account books. The dispute has been duly considered by the Controlling Authority as well as the learned Single Judge and in the absence of any error, we are not inclined to reopen with this finding of fact.

Consequently, finding no merit the appeal is dismissed.

(RAJIVE BHALLA)
JUDGE

1st February 2016
 jyoti III

(LISA GILL)
JUDGE