

**Civil Writ Petition No.19488 of 2017**

**[1]**

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

Sr. No.112

**Civil Writ Petition No.19488 of 2017**  
**Date of Decision: September 06, 2017**

**SAT PAL AND OTHERS**

**...PETITIONERS**

**Versus**

**STATE OF PUNJAB AND OTHERS**

**...RESPONDENTS**

**CORAM: HON'BLE MR. JUSTICE JASPAL SINGH**

Present: Mr. Sandeep Arora, Advocate,  
for the petitioners.

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**JASPAL SINGH, J.**

By virtue of the instant civil writ petition preferred under Articles 226/227 of the Constitution of India, petitioners have sought the issuance of a writ, order or direction in the nature of mandamus directing the respondents to award interest @ 18% per annum on the delayed payments of gratuity which has been paid after a considerable delay in the year 2017.

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2. Concededly, petitioners retired on attaining the age of superannuation during the period of 2009 to 2013. Prior to the filing of CWP No.26067 of 2016 captioned as ***Sat Pal and ors. vs. State of Punjab and ors.***, decided on December 16, 2016, Harbhajan Singh and ors. employees of the local self Government Punjab preferred CWP No.7098 of 2016, which was disposed of vide order dated April 21, 2016. The grievance ventilated in the said petition was that they are entitled to gratuity and in identical matter ***Municipal Council, Pathankot vs. Nathu Ram Gupta and ors.*** which has been upheld by Hon'ble Apex Court, the relief has already been granted. It has further been Para 7 of the aforesaid order dated April 21, 2016 is relevant for disposal of instant petition and for convenience, the same is reproduced as under:-

*“7). The Director, Local Government, Punjab has implemented orders of this Court as well as of the Supreme Court on 10.2.2016 and 8.2.2016 (Annexure P-7 and P-8 respectively). It was stated in the aforesaid order that some more review petitions have been filed which are pending consideration before the Apex Court. Reliefs have been granted in the orders dated 10.2.2016 and 8.2.2016 subject to decision in the pending review petitions. In view of these facts and circumstances, respondent Nos.2 and 4 are directed to examine the factual aspects of each of the petitioner as to whether each one of them are entitled to gratuity on par with others or not and take a decision within a period of eight weeks from the date of receipt of copy of this order. If the petitioners are eligible and entitled to gratuity amount, the same shall be disbursed to them within three months. If the gratuity amount is not*

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*disbursed within three months, the petitioners are entitled to interest @ 9% per annum thereon.*

3. A glance at the aforesaid para transpires that respondents No.2 & 4 in the said petition were directed to examine the factual aspects of each of the petitioner as to whether each one of them are entitled to gratuity at par with others or not and take a conscious decision within some specified period. In case, petitioners are held eligible and entitled to gratuity amount, same shall be disbursed to them within three months. In case, gratuity amount is not disbursed within three months, petitioners are held entitled to interest @ 9% per annum thereon.

4. Civil Writ Petition No.26067 of 2016 preferred by Sat Pal and ors.-petitioners, was disposed of strictly in terms of aforesaid order dated April 21, 2016.

5. Thus, the matter with regard to grant of interest on the delayed payment of gratuity is no more res integra. However, as far as the petitioners are concerned, by way of filing of a fresh petition, they cannot claim interest on delayed payments over and above the order dated April 21, 2016, whereby interest has been awarded. Rather, they are bound by the said order. If at all, they were aggrieved of the order dated December 16, 2016 passed in CWP No.26067 of 2016 on the basis of order dated April 21, 2016, they could have availed remedy by way of Letter Patents Appeal etc. which they have not done so far. As far as instant petition is concerned, it stands barred by the principles of estoppel and they cannot be allowed to re-agitate the matter with regard to interest which already stood at rest by passing the order dated December 16, 2016 on the basis of aforesaid order

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dated April 21, 2016.

6. In the light of what has been discussed above, this Court does not find any merit in the instant petition. As such, it stands dismissed.

7. However, petitioners shall be at liberty to avail other remedy, if the law provides.

September 06, 2017  
*Ankur*

(JASPAL SINGH)  
JUDGE

Whether speaking/reasoned  
Whether reportable

Yes/No  
Yes/No