

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

**CWP No.22181 of 2017
DECIDED ON: SEPTEMBER 27, 2017**

MANOHAR LAL AND ORS

.....PETITIONERS.

VERSUS

**PUNJAB STATE COOPERATIVE
SUPPLY & MARKETING FEDERATION
LTD. MARKFED AND OTHERS**

.....RESPONDENTS.

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Amit Sharma, Advocate,
for the petitioners.

JASPAL SINGH, J (ORAL)

By virtue of instant petition preferred under Article 226 of the Constitution of India, petitioners have sought issuance of a writ especially in the nature of mandamus directing the respondents to ensure payment of entire gratuity after calculating the same as per the formula given in the payment of Gratuity Act, 1972 along with interest @ 18% on the arrears of payment of balance gratuity from the date of its accrual till its actual realization.

2. At the very outset, learned counsel for the petitioners submits that though legal notice dated 13.08.2017 (Annexure P-8) was duly served upon the respondents but till date no conscious decision has been taken. He further submits that petitioners feel satisfied in case direction is issued to respondent

No.2 to decide the aforesaid legal notice. within a specified period.

3. Accordingly, instant petition is disposed of with a direction to respondent No.2-Managing Director, Punjab State Cooperative Supply and Marketing Federation Ltd., Markfed, Chandigarh to reconsider the matter and decide the legal notice dated 13.08.2017 (Annexure P-8), in the light of payment of Gratuity Act, 1972 as well as judgment passed by Controlling Authority-cum-Assistant Labour Commissioner, Bathinda in case titled as “**Satish Kumar Ojha v. The Punjab State Cooperative Supply and Marketing Federation Ltd. Markfed and another**” (Annexure P-6), which as per the version of learned counsel for the petitioners has already been implemented by the respondents; within a period of two months from the date of receipt of certified copy of this order. In case, the concerned authority comes to the conclusion that petitioners are entitled to the relief claimed through aforesaid legal notice, to release/disburse the same within a period of next one month. The matter with regard to grant of interest on delayed payment be also considered in view of the observations made by Full Bench of this Court in case captioned as “**R.S. Randhawa vs. State of Punjab, 1997 (3) RSJ 318.**”

4. However, if the petitioners still feel aggrieved of the order passed by the concerned authority, they shall be at liberty to approach this Court.

SEPTEMBER 27, 2017
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned **Yes**

Whether reportable **Yes/No**