

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

Date of Decision: July 17, 2018

1. CWP-11793 of 2018

Senior Superintendent of Post Offices

....Petitioner.

Versus

Ram Pal and others

...Respondents.

2. CWP-11794 of 2018

Senior Superintendent of Post Offices

....Petitioner.

Versus

Smt. Jasvir Kaur and others

...Respondents.

3. CWP-11798 of 2018

Senior Superintendent of Post Offices

....Petitioner.

Versus

Sh. Inder Mohan Sharma and others

...Respondents.

4. CWP-11800 of 2018

Senior Superintendent of Post Offices

....Petitioner.

Versus

Harmesh Singh and others

...Respondents.

5. CWP-11896 of 2018

Senior Superintendent of Post Offices

....Petitioner.

Versus

Smt. Usha Rani and others

...Respondents.

6. CWP-11911 of 2018

Senior Superintendent of Post Offices

....Petitioner.

Versus

Ranjit Singh and others

...Respondents.

7. CWP-11914 of 2018

Senior Superintendent of Post Offices

....Petitioner.

Versus

Tarlochan Singh and others

...Respondents.

8. CWP-11916 of 2018

Senior Superintendent of Post Offices

....Petitioner.

Versus

Kirpal Singh and others

...Respondents.

9. CWP-11917 of 2018

Senior Superintendent of Post Offices

....Petitioner.

Versus

Harbans Lal and others

...Respondents.

10. CWP-11924 of 2018

Senior Superintendent of Post Offices

....Petitioner.

Versus

Inderjit Kumar and others

...Respondents.

11. CWP-11932 of 2018

Senior Superintendent of Post Offices

....Petitioner.

Versus

Des Raj and others ...Respondents.

12. CWP-11935 of 2018

Senior Superintendent of Post OfficesPetitioner.

Versus

Kamlesh Devi and others ...Respondents.

13. CWP-11941 of 2018

Senior Superintendent of Post OfficesPetitioner.

Versus

Manjit Singh and others ...Respondents.

14. CWP-11961 of 2018

Senior Superintendent of Post OfficesPetitioner.

Versus

Sital Singh and others ...Respondents.

15. CWP-12967 of 2018

Senior Superintendent of Post OfficesPetitioner.

Versus

Nirmal Singh etc. ...Respondents.

16. CWP-12982 of 2018

Senior Superintendent of Post OfficesPetitioner.

Versus

Ajay Kumar and others ...Respondents.

17. CWP-12983 of 2018

Senior Superintendent of Post Offices

....Petitioner.

Versus

Avtar Singh and others

...Respondents.

18. CWP-12988 of 2018

Senior Superintendent of Post Offices

....Petitioner.

Versus

Sodhi Lal and others

...Respondents.

19. CWP-12989 of 2018

Senior Superintendent of Post Offices

....Petitioner.

Versus

Raj Kumar and others

...Respondents.

20. CWP-13007 of 2018

Senior Superintendent of Post Offices

....Petitioner.

Versus

Smt. Kamla and others

...Respondents.

21. CWP-13014 of 2018

Senior Superintendent of Post Offices

....Petitioner.

Versus

Harmesh Kumar and others

...Respondents.

22. CWP-13016 of 2018

Senior Superintendent of Post Offices

....Petitioner.

Versus

Paresh Kumar and others

...Respondents.

23. CWP-13018 of 2018

Senior Superintendent of Post Offices

....Petitioner.

Versus

Asha Rani and others

...Respondents.

24. CWP-13029 of 2018

Senior Superintendent of Post Offices

....Petitioner.

Versus

Joginder Singh and others

...Respondents.

25. CWP-13033 of 2018

Senior Superintendent of Post Offices

....Petitioner.

Versus

Dilbagh Singh and others

...Respondents.

26. CWP-14063 of 2018

Senior Superintendent of Post Offices

....Petitioner.

Versus

Saroj Rani and others

...Respondents.

27. CWP-16659 of 2018

Senior Superintendent of Post Offices

....Petitioner.

Versus

Rajinder Rai Bahadur etc.

...Respondents.

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present: Mr. Piyush Khanna, Advocate for the petitioners.
in all the writ petitions.

SHEKHER DHAWAN, J.

Challenge in the above titled 27 writ petitions filed by Senior Superintendent of Post Offices is to the orders passed by the Appellate Authority, under the Payment of Gratuity Act, 1972 (in short “**the Gratuity Act**”) on different dates. The Appellate Authority agreed with the reasoning of the Controlling Authority that the claimant/respondent/ workman have a right to gratuity under the Gratuity Act. As common question of law and facts arise in all these above titled cases, i.e., CWP No.11793 of 2018, CWP No.11794 of 2018, CWP No.11798 of 2018, CWP No.11800 of 2018, CWP No.11896 of 2018, CWP No.11911 of 2018, CWP No.11914 of 2018, CWP No.11916 of 2018, CWP No.11917 of 2018, CWP No.11924 of 2018, CWP No.11932 of 2018, CWP No.11935 of 2018, CWP No.11941 of 2018, CWP No.11961 of 2018; CWP No.12967 of 2018, CWP No.12982 of 2018, CWP No.12983 of 2018, CWP No.12988 of 2018, CWP No.12989 of 2018, CWP No.13007 of 2018, CWP No.13014 of 2018, CWP No.13016 of 2018, CWP No.13018 of 2018, CWP No.13029 of 2018, CWP No.13033 of 2018, CWP No. 14063 of 2018 and CWP No. 16659 of 2018, they are, therefore, being decided by this common order.

2. For facility of reference, facts are being taken from CWP No. 11793 of 2018. Respondent-Ram Pal joined as GDS-MD the Postal Department on 12.03.2001 and he worked till 1.2.2013 when his services

came to an end on account of attaining the age of superannuation on 01.02.2013. The respondent ultimately filed an application for grant of gratuity under the Gratuity Act. The Controlling Authority under the Act vide order dated 31.3.2017 (Annexure P/1) allowed the claim of the respondent and held that the provisions of the Gratuity Act are applicable to the Extra-Departmental Agents working under the petitioner-department. The Appellate Authority dismissed the appeal filed by the department and ordered payment of gratuity under the Gratuity Act to the respondent, vide order dated 20.09.2017 (Annexure P/3).

3. Learned counsel for the petitioners contended that in all these writ petitions, the respondent-workmen held civil post as they had worked as EDA-MD. Hence, they are not entitled to payment of gratuity under the Gratuity Act and the impugned orders passed in these writ petitions by the Controlling Authority and Appellate Authority are liable to be set-aside by this Court.

4. The law point involved in these batch of cases is squarely covered by the decision of this Court in “**Senior Superintendent of Post Offices, Jalandhar Division, Jalandhar vs. Darshan Ram (through LRs) & others**”, 2014 (9) SCT 120 (DB). The benefits under the Gratuity Act are found more beneficial than the payment of gratuity scheme prevailing in the Postal Department of the Government of India. This has been so held by Hon`ble Apex Court in **E.I.D. Parry (I) Ltd. Vs. G. Omkar Murthy**, 2001(4) SCC 68 (SC) and **Municipal Corporation of Delhi Vs. Dharam Prakash Sharma**, 1998 (7) SCC 221 (SC). The respondents herein are Extra Departmental Agents (EDA) also called Gramin Dak Sewaks, an engagement which was directly considered in **Darshan Ram**

case (supra) in the context of gratuity as to whether the Gratuity Act will prevail or the Rules of service and the answer is that the Gratuity Act enjoys primacy over other schemes in Government which are less beneficial. In an earlier decision in the “**Senior Superintendent of Post Offices vs. Smt. Sham Dulari and others**”, 2006 (3) SCT 577, similar view was taken that the claimants had pre existing right to gratuity under the Gratuity Act.

5. As per view taken by Hon`ble Division Benches of this Court, these writ petitions filed by the Senior Superintendent of Post Offices lack merit and the same stand dismissed in *limine*.

(SHEKHER DHAWAN)
JUDGE

July 17, 2018.
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Whether Speaking/reasoned	:	Yes
Whether Reportable	:	Yes