

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-19030-2014 (O&M)

Date of Decision:-04.05.2018.

Smt. Sarita Goyal

.....Petitioner

Versus

The Appellate Authority under the Payment of Gratuity Act, 1972-cum-
Deputy Labour Commissioner, Hissar, District Hissar and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Mr. R.K. Upadhya, Advocate for
Mr. Sunil Kumar Bhardwaj, Advocate for the petitioner.

Mr. Rohit Arya, AAG, Haryana.

Mr. Akshay Kumar Goel, Advocate for
respondent Nos.3 and 4.

P.B. BAJANTHRI, J. (Oral)

In the instant writ petition, petitioner has challenged Annexure P-3 and P-5 to the extent of denial of interest on the gratuity amount.

2.) Pursuant to the amendment to the Payment of Gratuity Act, 1972, employees of the educational institutions were entitled to gratuity amount w.e.f. 03.04.1997, whereas, the petitioner resigned from service on 09.01.2009. Thereafter, there is a delay of nearly 1 ½ years in seeking gratuity. Therefore, rightly, both the authorities have denied the benefit of interest on the gratuity amount. Learned counsel for the petitioner relied on Annexure P-6 where the gratuity authorities have extended the benefit of

interest to a similarly situated person and extended the benefit of gratuity along with interest. Annexure P-6 is not binding on this Court. Having regard to the delay in approaching authority for the purpose of seeking claim of gratuity and consequently, in respect of belated claim of gratuity, employee is not entitled to interest. Therefore, no interference is called in respect of controlling and appellate authorities' decisions. Petitioner has not made out a case.

3.) Accordingly, petition stands dismissed.

(P.B. BAJANTHRI)
JUDGE

May 04, 2018.

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Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.