

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

**234**

**CWP-9464-2014 (O&M)  
Date of decision:16.01.2018**

Punjab State Power Corporation Limited

....Petitioner

Versus

Som Singh and others

.... Respondents

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

Present: Mr.Amit Mehta, Advocate for the petitioner.

Mr. R.S.Chauhan, Advocate for respondent No.1.

**P.B. BAJANTHRI, J. (ORAL)**

With the consent of both the parties main matter is taken up today.

In the instant writ petition, petitioner has challenged orders of the Controlling Authority dated 30.08.2005 (Annexure P4) and Appellate Authority under the Gratuity Act dated 16.01.2014 (Annexure P-8). Respondent No.1 was dismissed from service on 31.03.2003. Under the statutory regulations there is no provision for extending gratuity benefit to a dismissed employee. Therefore, Controlling Authority has erred in extending the benefit of gratuity to respondent No.1. Petitioner's appeal which was presented in the year 2014 was dismissed on the ground of delay. Hence the present petition in challenging the orders of the controlling and appellate authority.

Learned counsel for the petitioner submitted that respondent has no statutory right or legal right to seek benefit of gratuity in view of his dismissal from service. Therefore there is serious error committed by the Controlling Authority as well as Appellate Authority. Hence the order of the

Controlling and Appellate Authorities are liable to be set aside.

Per contra, learned counsel for respondent No.1 submitted that before the controlling and appellate authorities, petitioner was represented. In fact before the Controlling Authority reply was filed. Petitioner slept over the order of the Controlling Authority dated 30.08.2005 till 2014. Appeal was filed only in the year 2014. Appellate authority rightly rejected petitioner's appeal on the ground of delay of about 8 years. Therefore, there is no infirmity in the orders of the controlling as well as appellate authorities.

Heard learned counsel for the parties.

Preliminary issue raised by respondent no.1 is relating to delay in filing appeal against the Controlling Authority's order. Statutory provision provides for filing of appeal is within 60 days. It is not that Controlling Authority's order is ex-parte so as to contend the delay in filing appeal. Petitioner was represented. Reply statement was filed before the controlling authority. In other words, concerned petitioner was aware of the order of the controlling authority dated 30.08.2005. Therefore, rightly appellate authority rejected the petitioner's appeal. Moreover, even in the writ petition no reasons have been assigned as to why there is delay from 2005 to 2014 in preferring an appeal before the appellate authority.

In view of these facts and circumstances, no interference is called for in respect of order of appellate authority. Accordingly, CWP stands dismissed.

**16.01.2018**

pooja saini

**(P.B.BAJANTHRI)**  
**JUDGE**

Whether speaking/reasons:

Yes/No

**Whether Reportable:**

**Yes/No**