

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

LPAs-1802, 1804, 1805, 1808,
1809, 1810, 1811, 1812, 1813,
1814, 1815, 1816, 1818, 1819
& 1829-2018 (O&M)
Date of decision:- 22.11.2018

HMT Machine Tools Limited

...Appellant

Versus

The Appellate Authority under the payment of Gratuity Act, 1972 (Deputy Chief Labour Commissioner (Central), Kendriya Sadan, Sector 9-A, Chandigarh through its Registrar and others.

...Respondents

CORAM: HON'BLE MR. JUSTICE KRISHNA MURARI, CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI

Present:- Mr. Anand Chhibbar, Senior Advocate,
with Ms. Ateevraj Sandhu, Advocate,
and Ms. Shreya Bhaggoo, Advocate,
for the appellant.

* * * *

KRISHNA MURARI, C.J. (ORAL)

These fifteen intra court appeals under clause X of the Letters Patent filed against common judgement and order dated 20.08.2018 passed by learned Single Judge in a group of writ petitions filed by the petitioner (appellant herein) confirming the order passed by the appellate authority and the controlling authority for grant of a sum of ₹ 8,19,485/- as interest towards delayed payment of gratuity to the employees of the appellant have been clubbed and heard together and are being disposed of by a common judgement.

2. Admittedly, the appellant has been declared as a 'Sick Company' under the provisions of Sick Industrial Companies (Special Provisions) Act, 1985 (in short SICA) and the proceedings are pending before the appropriate authority.

3. In the wake of the above facts, learned senior counsel has vehemently submitted that in view of the provisions of SICA, which has an overriding effect on Payment of Gratuity Act, 1972 and also particularly in view of the provisions of Section 22 of SICA, the appellant shall not be liable to pay interest on the gratuity amount to its employees. Another question raised before us is whether the provisions of SICA would stand attracted and applicable in the case of interest on the delayed payment of gratuity.

4. During the course of arguments, the factual position is that the payment of a sum of ₹ 8,19,485/- as directed by the learned Single Judge towards interest on delayed payment of gratuity has been made to the employees and, thus, the issue being raised before us is only of academic interest. However, learned senior counsel for the appellant contends that this issue may be decided because it will arise in lot many cases.

5. Be that as it may, since in all the cases issue is only of academic interest, we are not inclined to enter into the same. However, in the interest of justice, we leave this issue open to be raised by the appellant and decided in appropriate proceedings before any authority or Court. It is also being made clear that the issue, if raised, shall be considered and decided on its own merits without being influenced by the impugned judgement passed by learned Single Judge and the same shall not act as a binding precedent.

6. With the aforesaid observations and directions, the appeals stand disposed of.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

22.11.2018

Amogh

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No