

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

CWP No. 106 of 2019

Date of Decision: 09.01.2019

The Punjab Agro Foodgrains Corporation Limited and another
...Petitioners

Vs.

Jagpal Singh and others

...Respondents

CORAM:- HON'BLE MR.JUSTICE RAJIV NARAIN RAINA

Present: Mr. Anupam Singla, Advocate
for the petitioners.

RAJIV NARAIN RAINA, J. (Oral)

1. No ground for interference is made out against the orders of the authorities under the Payment of Gratuity Act, 1972 allowing the application for payment of gratuity.

2. Respondent No.1 had served as Executive-II (S) in the Corporation and retired from service on 31.03.2015. The petitioner was charge-sheeted prior to his retirement. In the enquiry, the charges were proved and the report submitted to the punishing authority prior to retirement. Thereafter, show-cause notice was issued and opportunity of personal hearing was given to the 1st respondent but concededly final orders of recovery of loss were not passed till the 1st respondent was allowed to superannuate. At no point of time had the services of the 1st respondent been terminated, and, therefore, the authorities held that payment of gratuity could not be resisted in view of Section 4(6) of the

Act.

3. It is not disputed that the petitioner corporation is covered by the provisions of the Act and the right to gratuity is a statutory liability which cannot be denied except in accordance with law. No rule prevailing in the corporation has been brought to the notice of the Court which may justify withholding of gratuity. A person can be deprived of gratuity only in terms of the special Act which is a complete code in itself.

4. I find no error or illegality in the orders of the Controlling Authority as well as the Appellate Authority. Resultantly, the petition is dismissed.

(RAJIV NARAIN RAINA)
JUDGE

09.01.2019

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Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*