

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

**CR no.8335 of 2017**

**Date of Decision: 25.02.2019**

Punjab State Civil Supplies Corporation Ltd. & another ....Petitioners

Vs.

Smt. Jaspal Kaur and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH**

Present:- Ms. Deepali Puri, Advocate, for the petitioners.

**Amol Rattan Singh, J (Oral)**

Pursuant to the last order of this Court dated 13.02.2019, Ms. Deepali Puri has produced in Court today the interim orders of the Controlling Authority under the Payment of Gratuity Act, 1972, showing that even as on the date of filing of the present petition, i.e. 24.11.2017, arguments were still to be addressed on behalf of the workman.

That was vide an order passed by that Authority on 08.12.2017, with this Court actually having thereafter stayed proceedings vide an order dated 06.12.2017, though obviously that order was not in the knowledge of the Authority on 08.12.2017.

As already noticed earlier, none has come to defend the respondents despite service of notice being complete on them in this petition even prior to 11.05.2018, as per the report of the Registry.

By this petition, the petitioners challenge the order of the Controlling Authority under the aforesaid Act, dated 06.01.2017, by which the defence of the petitioner-management has been struck off, on the ground

that despite the case having been filed in the year 2016 and many opportunities having been given, even the written statement had not been filed.

At the time when notice of motion was issued in this petition on 06.12.2017, the petitioners had been directed to inform this Court of the name of the officer who was at fault (for not filing the written statement before the Controlling Authority).

On 13.02.2019, Ms. Deepali Puri had informed this Court that the District Manager, Ferozepur, of the petitioner-corporation, had been issued a show cause notice, but with him not having filed a reply thereto, even those responsible for delaying the issuance of the show cause notice have been issued show cause notices as to why disciplinary proceedings be not initiated against them.

That being so, it is considered appropriate that the Corporation should not be made to suffer for the lapse of its employees, especially as the proceedings before the Controlling Authority have not concluded.

Consequently, without making any comment whatsoever on the merits of the case for or against the petitioners (respondents before the Controlling Authority), this petition is allowed and the impugned order dated 06.01.2017 is set aside.

The petitioners, upon paying costs of Rs.10,000/-, would be allowed to file their written statement, after which the Controlling Authority would proceed with the matter.

Naturally, if the petitioner-corporation deems it appropriate, it would recover the said costs from the persons responsible for not filing the said written statement before the Controlling Authority.

**25.02.2019**

vcgarg

**(Amol Rattan Singh)**

**Judge**

**Whether speaking/reasoned : Yes**

**Whether reportable : Yes**