

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

(222)

CWP-11695-2017

Date of Decision: November 15, 2019

Bhaskar Nand & another

.. Petitioners

Versus

State of Punjab and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

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

Mr. Navdeep Chhabra, Deputy Advocate General, Punjab.

None for respondent No.5.

HARSIMRAN SINGH SETHI, J.(ORAL)

In the present writ petition, the grievance which is being raised by the petitioners is that the petitioners have not been paid gratuity as admissible to them under the provisions of the Payment of Gratuity Act, 1972 as the period of extension for which the petitioners have served with the respondent-Municipal Council, has not been taken into account while calculating the gratuity amount.

Learned counsel for the respondents raises a preliminary objection that there is a full mechanism provided under the Payment of Gratuity Act, 1972 in case, the petitioners are of the view that they were entitled for the gratuity even for the period when they had discharged the service on extension after attaining the age of superannuation with the respondent-Municipal Council and hence, the present writ petition is not maintainable.

Faced with this situation, learned counsel for the petitioners prays that the petitioners be allowed to withdraw the present writ petition

with liberty to approach the controlling authority under the Payment of Gratuity Act, 1972 for the redressal of their grievance as raised in the present writ petition.

Dismissed as withdrawn, with liberty as prayed for.

(HARSIMRAN SINGH SETHI)
JUDGE

November 15, 2019
harsha

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