

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

267

CWP No.19293 of 2017

Date of Decision : 18.10.2019

Sushma Srivastva

...Petitioner

v/s

The Appellate Authority Under the Payment of
Gratuity Act, Faridabad and others.

....Respondents

Coram : Hon'ble Mr. Justice B.S. Walia

Present: Mr. Lakshman Sharma, Advocate for the petitioner.
Mr. Mohak Bhadana, Advocate for respondent Nos.3 & 4.

B.S. Walia, J. (Oral),

[1] Prayer in the writ petition is for the issuance of a writ of certiorari to quash Order (Annexure P/2) dated 25.07.2016 to the extent it imposes condition on the petitioner to furnish adequate security for release of gratuity amount of ₹2,02,255/- to her.

[2] Learned counsel for respondent Nos.3 & 4 states that the impugned condition was imposed by the Appellate Authority in view of pendency of CWP No.7045 of 2014 in case titled as '**Modern School, Faridabad** versus **Kamla Sharma and others**' along with other connected writ petitions in the light of question regarding date from which a teacher was entitled for payment of gratuity, however, in view of the decision of Hon'ble the Supreme Court in '**Birla Institute of Technology** versus **The State of Jharkhand and others**', the petitioner is entitled to receive gratuity w.e.f. 03.04.1997 till date of her superannuation i.e. 31.03.2015 and in the

condition imposed by the learned Appellate Authority, requiring the petitioner to furnish adequate security for being released amount of ₹2,02,255/- set aside and the petitioner released the amount of gratuity of ₹2,02,255/- without any security.

[3] Learned counsel further contends that in view of the decision of Hon'ble the Supreme Court in 'Birla Institute's case (supra), respondent Nos.3 & 4 shall withdraw the appeal filed by them.

[4] The stand of learned counsel for respondent No. 3 & 4 satisfies learned counsel for the petitioner.

[5] In view of the position as noted above, the writ petition is ***allowed***. Condition in order (Annexure P/2) dated 25.07.2016 to the extent of requiring the petitioner to furnish adequate security for being released gratuity amount of ₹2,02,255/- is *set aside*. Resultantly, the petitioner is held entitled to release of payment of ₹2,02,255/-, on account of gratuity without furnishing security.

(B.S. Walia)
Judge

October 18, 2019
'Rajneesh'

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