

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-3126 of 2016

Date of decision: 13.11.2019

Babu Singh

.... Petitioner

versus

State of Punjab and others

.... Respondents

CORAM:HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Surinder Garg, Advocate
for the petitioner.

Ms. Sunint Kaur, AAG, Punjab.

Mr. Harbans Lal Sharma, Advocate
for respondents No.6 and 7.

HARSIMRAN SINGH SETHI, J.

The petitioner has filed the present writ petition seeking payment of gratuity under the Payment of Gratuity Act, 1972. Counsel for the petitioner argues that petitioner has been paid gratuity amounting to Rs.3,50,000/-, whereas, he was entitled for a sum of Rs.7,60,120/- as gratuity, therefore, a sum of Rs.4,10,122/- is still payable to the petitioner by the respondents.

Learned counsel for the respondents raises a preliminary objection that firstly the petitioner has been paid gratuity for which he was entitled for and in case he has any grievance in that regard, he has a remedy before the Controlling Authority under the Payment of Gratuity Act, 1972, where the petitioner can raise his claim, as to the how, he is entitled for a sum of Rs.7,60,122/- instead of Rs.3,50,000/-

Learned counsel for the petitioner is unable to convince this Court

that how the present writ petition is amenable to writ jurisdiction of this Court against a respondent No.7, which is a Co-operative society, especially, when the claim of the petitioner is for the payment of gratuity under the Payment of Gratuity Act, 1972 wherein the complete process has been laid down for redressal of grievance of the employees, in case they feel that they have been paid less gratuity, than they were entitled for.

Faced with this situation, learned counsel for the petitioner prays that he be allowed to withdraw the present petition with liberty to approach the controlling authority under the Payment of Gratuity Act, 1972 for redressal of his grievance as raised in the present writ petition.

Dismissed as withdrawn with liberty as prayed for.

(HARSIMRAN SINGH SETHI)
JUDGE

13.11.2019
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| 1. | Whether speaking/non-speaking? | Yes/No |
| 2. | Whether reportable? | Yes/No |