

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

115

**CWP No.12982 of 2020
Decided on : 10.11.2020**

Risal Singh

... Petitioner

Versus

Oriental Bank of Commerce and another

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr. Anand Bhardwaj, Advocate for the petitioner.

Mr. Gaurav Goel, Advocate for the respondents.

(The proceedings are being conducted through
video conferencing, as per instructions.)

G.S. Sandhawalia, J. (Oral)

The petitioner in the present petition filed under Article 226 of the Constitution of India seeks directions for issuance a writ in the nature of mandamus directing the respondents to re-determine gratuity as per Oriental Bank of Commerce (Officers') Service Regulations, 1982 read with Oriental Bank of Commerce (Employees) Pension Regulations, 1995 by including Dearness Allowance and Special Allowance with basic pay, in view of the law laid down upto the Hon'ble Apex Court in judgments at Annexures P-5 to P-8 and to grant compound interest on the unpaid amount of gratuity @ 12% per annum.

Admittedly, the petitioner has a alternative statutory remedy before the Controlling Authority as per Section 7 and as defined under Section 3 of the Payment of Gratuity Act, 1972. The Act further provides remedy of appeal under sub-Clause of Section 7.

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-2-

It is the settled principle that once there is an alternative efficacious remedy available in law, the extra-ordinary writ jurisdiction is not liable to be exercised. Reliance can be placed upon the judgment of the Apex Court passed in '**United Bank of India Vs. Satyawati Tandon and others'** 2010 (8) SCC 110.

Faced with this situation, counsel does not press the present writ petition and prays for liberty to approach the competent authority as noticed above.

Ordered accordingly.

NOVEMBER 10, 2020
Naveen

**(G.S. SANDHAWALIA)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No