

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

213

CWP-10540-2016

Date of Decision : 21.01.2020

Swaranjit Singh

... Petitioner

Versus

Managing Director Punjab State Civil Supplies Corporation Ltd. and
another

... Respondents

CORAM:- HON'BLE MR. JUSTICE GIRISH AGNIHOTRI

Present : Ms.Ritam Aggarwal, Advocate and
Ms. Neel Kamal, Advocate for the petitioner.

Mr. Athar Ahmed, Advocate
for the respondent.

Mr. Aman Sharma, Advocate with
Mr. Chirag Suri, Advocate
for the respondent.

GIRISH AGNIHOTRI, J.(ORAL)

The present writ petition has been filed by the petitioner- Swaranjit Singh *inter alia* with the prayer to modify/set aside the order dated 19.02.2016 passed by the Appellate Authority under the payment of Gratuity Act, 1972 to the extent that the claimant has been ordered payment of interest only @ 6% whereas in other similarly situated employees' orders annexed as Annexure P-1 and P-2 in which interest has been awarded @ 12 %.

Learned counsel for the respondent submits that the basic order dated 10.12.2014 has not been appended nor the same was challenged before the Appellate Authority. He submits that since the basic order has

not been challenged, therefore, the present writ petition is not maintainable.

This Court is of the prima facie view that the appeal is to be treated as continuation of the basic proceedings. Therefore, the appellate order has been challenged, and the prayer for grant of interest @ 12% should also be maintainable in the present writ petition.

In peculiar facts of the present case, this Court deems appropriate to direct the senior officer namely respondent No.1 i.e. Managing Director, who may himself or may depute responsible officer to examine the short issue i.e. whether the petitioner in the present case is entitled to interest @ 12% as has been granted in the case of Hukam Chand by the Controlling Authority vide order dated 23.04.2014 (Annexure P-1) and also order dated 30.04.2014 (Annexure P-2) passed in the case of Gurdev Singh Brar. Of course, the competent authority may also examine any other order which may have been passed qua the rate of interest. Needless to mention that in case the authority as aforementioned finds that the gratuity was payable and as so ordered in Annexures P-1 and P-2 that @ 12% should have been paid, the authority would release the balance amount so calculated @ 12%. This exercise be undertaken within two months from the receipt of certified copy of this order.

However, in case any adverse order is passed, the petitioner, is at liberty to challenge the said order along with other impugned orders.

Disposed of.

(GIRISH AGNIHOTRI)
JUDGE

21.01.2020

anju

Whether speaking/reasoned:

Yes/No