

119 IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

CWP-16016-2020(O&M)

Date of decision: 01.10.2020

UNION BANK OF INDIA

.....Petitioner

Versus

**ASSISTANT LABOUR COMMISSIONER AND CONTROLLING
AUTHORITY UNDER THE PAYMENT OF GRATUITY ACT
AND ORS**

.....Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr.K.K.Gupta, Advocate for the petitioner

ANIL KSHETARPAL, J. (ORAL)

Union Bank of India has filed the present writ petition under Article 226/227 of the Constitution of India, seeking issuance of a writ in the nature of Certiorari, quashing show cause notice dated 18.3.2020 (Annexure P-2), issued by the Assistant Labour Commissioner (Central) cum Controlling Authority (respondent no.1) constituted under the Payment of Gratuity Act, 1972.

Learned counsel for the petitioner contends that the controlling authority has no jurisdiction to entertain and decide the claim submitted by respondent no.3. He relies upon various judgments passed by the Supreme Court as well as the High Courts.

In the present case, the Controlling Authority has only issued a show cause notice. The Bank is assuming that the matter would be decided against it.

This Court has heard learned counsel for the petitioner and

perused the paper book. In the considered view of this Court, the writ petition is required to be disposed of with a direction to the Assistant Labour Commissioner (Central) cum the Controlling Authority (respondent no.1) constituted under the Payment of Gratuity Act, 1972, to decide the objection with regard to the maintainability of the claim as a primary issue/point, before proceeding to examine the claim on merits.

With these observations, the present writ petition stands disposed of.

01.10.2020
rekha

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No