

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-15631 of 2016

Date of decision: 25.02.2020

Gurjit Singh and another

.... Petitioners

versus

State of Punjab and others

... Respondents

CORAM:HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Nitesh Singla, Advocate
for the petitioners.

Mr. Navdeep Chhabra, DAG, Punjab.

Mr. Harsh Aggarwal, Advocate
for respondent No.4.

HARSIMRAN SINGH SETHI, J.

In the present writ petition, the challenge is to order of recovery dated 02.06.2016 (Annexure P/1) of the excess amount of gratuity released to the petitioners.

Learned counsel for the respondents states that in fact the petitioners themselves invited the said order.

Learned counsel for the respondents argues that the petitioner approached this Court by filing CWP No.22601 of 2015 claiming the benefit of gratuity under the Payment of Gratuity Act, 1972, though the gratuity had already been released to the petitioner by the respondents under the Rules governing the service. This Court vide order dated 20.10.2015 directed the respondents to decide the claim of the petitioner for release of amount of gratuity under the Payment of Gratuity Act, 1972. In compliance

of the said order, order of recovery dated 02.06.2016 (Annexure P/1) was passed by the respondents by considering the claim of the petitioners as the petitioners were paid amount of gratuity more than their entitlement.

Learned counsel for the petitioners states that the petitioners will not press their claim for the grant of amount of gratuity under the Payment of Gratuity Act, 1972, which they were earlier pressing vide their legal notice dated 25.06.2016 and prays that they be allowed to retain the amount of Gratuity released to them under the Rules governing the service.

Learned counsel for the respondents states that Annexure P/1 was passed keeping in view the prayer of the petitioners and as they have withdrawn their prayer for the grant of amount of gratuity under the Payment of Gratuity Act, 1972, therefore, they will be allowed to retain the amount of gratuity paid to them under the Rules governing the service and Annexure P/1 will not be implemented qua the petitioners herein.

No further grievance of the petitioners subsists.

Writ petition stands disposed of in above terms.

(HARSIMRAN SINGH SETHI)
JUDGE

25.02.2020.

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