

CWP No. 19640 of 2018 and other connected cases

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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(Sr. No. 255)**

(1)

**CWP No. 19640 of 2018
Date of Decision : 12.02.2020**

Ram Kishan Arya

....Petitioner

Versus

Punjab Agro Industries Corporation Limited and others

.....Respondents

(2)

CWP No. 19759 of 2018

Kashmir Singh

....Petitioner

Versus

Punjab Agro Industries Corporation Limited and others

.....Respondents

(3)

CWP No. 19697 of 2018

Charanjit Singh

....Petitioner

Versus

Punjab Agro Industries Corporation Limited and others

.....Respondents

(4)

CWP No. 19722 of 2018

Shiv Sham Singh

....Petitioner

Versus

Punjab Agro Industries Corporation Limited and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Padam Kant Dwivedi, Advocate for the petitioner(s).

Mr. Anupam Singla, Advocate for the respondents
(in CWP No. 19722 of 2018).

Mr. Mayank Mathur, Advocate for respondents No. 1 and 2
(in CWP Nos. 19759, 19640 and 19697 of 2018).

Harsimran Singh Sethi, J. (Oral)

By this common order, four writ petitions, the details of which have been mentioned in the heading, are being disposed of as all the writ petitions involve the same question of law and identical facts. For the purpose of this order, the facts are being taken from CWP No. 19640 of 2018.

In the present writ petition, the challenge is to the order dated 22.07.2010 (Annexure P-6) passed by the Managing Director of the respondent-Corporation, by which, it was decided that the enhanced ceiling of ₹10 lacs for the payment of gratuity to the employees of the Corporation under the Payment of Gratuity Act, 1972 will be applicable only from the date of amendment i.e. 24.05.2010.

Petitioner(s) are challenging the said order on the ground that the enhanced ceiling of ₹10 lacs be made applicable w.e.f. 01.01.2006 as done by the Government of Punjab.

Learned counsel for the parties agreed that the question of law raised in the present writ petitions also came up for consideration/ adjudication before this Court in CWP No. 5393 of 2018 titled as ***Kuldeep***

Kuldeep Singh, who was an employee of the respondent-Corporation, raised the similar plea for the grant of gratuity at enhanced rate w.e.f. 01.01.2006 and not from the date of the amendment carried out by the Government of India to the Payment of Gratuity Act, 1972 i.e. 24.05.2010.

This Court after considering the law on the point and also the judgment rendered by this Court in CWP No. 15363 of 2011 titled as ***Nathu Ram and others Vs. State of Punjab and others***, decided on 31.10.2014 negatived the claim of Sh. Kuldeep Singh and dismissed the writ petition.

Learned counsel for the parties agreed that the claim in the present writ petitions is squarely covered against the petitioner(s) by the decision in ***Kuldeep Singh's case (supra)***.

Learned counsel for the petitioner(s) has not been able to show any distinguishable point in these writ petitions so as to raise an argument that the judgment rendered by this Court in ***Kuldeep Singh's case (supra)*** is not applicable in the present case.

Keeping in view the above, all the aforementioned writ petitions are dismissed in the same terms as ***Kuldeep Singh's case (supra)***.

February 12, 2020
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? *Yes*
Whether reportable? *No*