

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

109

CWP No.918 of 2021

Date of decision:14.01.2021

Urvesh Goel

... Petitioner

Versus

The State of Haryana and others

... Respondents

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

Present: Mr. Neeraj Jain, Advocate,
for the petitioner.

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

G.S. Sandhawalia, J. (Oral)

The petitioner has filed the present writ petition under Articles 226/227 of the Constitution of India, for seeking gratuity on the basic pay last drawn including DA/ADA prevalent at the time of his retirement on 30.06.2012 on the ground that other employees of the Haryana State Agricultural Marketing Board are getting the enhanced DA/ADA post retirement. The claim of the petitioner is based upon an order passed by this Court on 20.09.2016 in CWP No.15282 of 2013 titled as “Uma Rani State of Haryana and others” (Annexure P-8).

Admittedly, the petitioner has an alternative efficacious remedy under Section 7 of the Payment of Gratuity Act, 1972 to approach the Controlling Authority for the necessary relief. It is not disputed that the petitioner had retired way back on 30.06.2012 (8 years earlier). In such circumstances, this Court is of the opinion that once an alternative efficacious remedy is available to the petitioner under the Statute, the present extraordinary writ jurisdiction is not liable to be entertained. In this

regard, reliance can be placed upon a judgment of the Apex Court rendered in the case of **United Bank of India Vs. Satyavati Tandon and others, 2010(8) SCC 110.**

Accordingly, the present writ petition is disposed of, with liberty to the petitioner to avail his alternative efficacious remedy, in accordance with law.

January 14, 2021
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(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No