

In the High Court of Punjab and Haryana, at Chandigarh

Civil Writ Petition No. 5218 of 2021

Date of Decision: 04.03.2021

The Chief Conservator of Forest, Forest Department, Punjab and Others

... Petitioner(s)

Versus

The Labour Commissioner-cum-Appellate Authority under the Payment of Gratuity Act-cum-Assistant Labour Commissioner, Patiala and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Nikhil Chopra, Additional Advocate General,
Punjab, for the petitioner(s).

Anil Kshetarpal, J.

The Chief Conservator of Forest has assailed the correctness of the order passed by the Appellate Authority under the Payment of Gratuity Act, 1972-cum-Additional Labour Commissioner, Punjab, on 02.03.2020 (Annexure P4) holding that the workman-respondent No.3 will be entitled to the gratuity for the services rendered by him for a period of 15 years at the rate of ₹69,325.96 ps. per year.

The Appellate Authority, after examining the record, has recorded the following findings of fact:-

“7. I have gone through the record produced before the controlling authority Sh. Satpal Singh, Forest Range Officer, Nabha, has brought on record the seniority list of the workers which was taken on record by the controlling authority on 20-03-2016 as Ex.M-1/A. Perusal of the seniority list shows that

the name of Sh. Jagga Singh depicted in the seniority list. The seniority list has 12 columns. He has been stayed to be working in Nabha Range of the Forest Dept. He has 10 years old service and he has worked with the dept. for 283 days in 2009, 305 days in 2010, 291 days in 2011, 309 days in 2012, 295 days in 2013, 198 days in 2014, 124 days in 2015 and 19 days in 2016. He has stated to be worked with the department for 15 years. Interestingly the controlling authority Patiala has not taken this fact for considerations while passing the order dated 30-04-2018. It goes to show that the department has admitted 15 year of continuous service of the workman Sh. Jagga Singh, the daily/monthly rate basis workers are also entitled to gratuity. It has also been submitted by the witness of the management before the controlling authority that Sh. Jagga Singh was also working as daily wage worker and as per record he has worked for about 12 years but the seniority list produced by the management goes to show that Sh.Jagga Singh workman has rendered 15 years of service with the department. The department itself is not clear as to how many years Sh. Jagga Singh had worked with them.....”

The finding arrived at by the Appellate Authority is not shown to be suffering from any error. The Appellate Authority has relied upon the documents produced by the department to arrive at the finding. While exercising the writ jurisdiction, the Court does not sit in appeal over the order passed by the Appellate Authority.

Keeping in view the aforesaid facts, no ground is made out to interfere. Hence, the writ petition is dismissed.

(Anil Kshetarpal)
Judge

March 04, 2021
“DK”

Whether speaking/reasoned :Yes/No
Whether reportable : Yes/No