

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

LPA No. 337 of 2021

Date of decision : 1.4.2021

Dainik Bhaskar Corporation Limited

.... Appellant

versus

Controlling Authority (Under the Payment of Gratuity Act)

U. T. Chandigarh and others

... Respondents

**Coram: Hon'ble Mr. Justice Jaswant Singh
Hon'ble Mr. Justice Sant Parkash**

Present Mr. Rajeshwar Singh Thakur, Advocate, for the appellant.

[The aforesaid presence is being recorded through video conferencing
since the proceedings are being conducted in virtual court.]

Jaswant Singh, J. (Oral)

This intra-court Appeal under Clause X of the Letters Patent is directed against the order dated 16.3.2021 passed by learned Single Judge in CM No. 4019-CWP of 2021 filed in pending CWP No. 4517 of 2021, whereby the said application for preponing the date of hearing of the main CWP No. 4517 of 2021 fixed for 10.5.2021, was dismissed.

In brief, the facts are that one Harish Manav, a Principal Correspondent of the Appellant- Publishing House, filed an application under Section 7 of the Payment of the Gratuity Act, 1972 (for short, 'the Gratuity Act') before the Controlling Authority, Union Territory, Chandigarh, claiming payment of gratuity along with interest @ 12% per annum as per the Gratuity Act, upon he having left the services with the Publishing House.

Due to non appearance of the appellant (respondent therein), an ex-parte order stood passed on 30.6.2020 (**Annexure P-2**), directing the appellant (respondent therein) to deposit ₹ 1,43,919/- within a period of thirty days of the order, failing which penal interest was awarded. The appellant is stated to have filed an application under Order IX Rule 13 CPC on 7.8.2020 after receipt of notice for execution of the ex-parte order dated 30.6.2020 (**Annexure P-2**). The Executing Court vide order dated 7.8.2020 (**Annexure P-7**) directed the Collector, Union Territory, Chandigarh, to initiate proceedings for recovery of the said amount as arrears of land revenue, which led to passing of order dated 21.1.2021 (**Annexure P-8**), whereby the bank accounts of the appellant maintained in IDBI Bank, Sector-17 Branch, Chandigarh, were freezed. The appellant then filed CWP No. 4517 of 2021 assailing the aforesaid order dated 7.8.2020 (**Annexure P-7**) and seeking to de-freeze the said accounts. The writ petition was listed on 25.2.2021 and was got adjourned to 10.5.2021 to enable the appellant (petitioner therein) to file certain documents. It is in these circumstances, CM Nos. 4015-CWP and 4019-CWP of 2021 were filed for placing on record the documents as also preponing the date of hearing.

Learned counsel for the appellant submits that his client is ready and willing to deposit/ provide adequate liquid security *qua* the claim made by said Harish Manav while seeking the prayer for de-freezing the bank accounts on account of difficulty being faced in disbursing salary to the entire staff.

After hearing learned counsel for the appellant, we find that the present LPA would not be maintainable against the interim order dated 16.3.2021 and the prayer being made herein can very well be made before

the Executing Court and in case any adverse order is passed, the appellant
can seek remedy, in accordance with law.

The appeal is dismissed.

(Jaswant Singh)
Judge

1.4.2021
vs

(Sant Parkash)
Judge

Whether speaking/ reasoned	Yes/No
Whether Reportable	Yes/No