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IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CWP-17150 of 2020(O&M)
Date of decision : September 15, 2021

National Insurance Company Ltd.

..... Petitioner

Versus

The Controlling Authority under Payment of Gratuity Act, 1972 and
another

..... Respondent

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

Present:- Mr. V. Ramswaroop, Advocate
for the petitioner.

G.S. Sandhawalia, J (oral).
CM-13265-2021

This is an application for preponing the date of hearing from
2.12.2021.

For the reasons stated in the application, application is allowed.
The date of hearing is preponed to today itself and the writ petition is taken
on board.

CM-7401-2021

This is an application for placing on record copy of the Rules.

The application is allowed. The copy of rules is taken on
record.

CWP-17150 of 2020

A perusal of the writ petition shows that the challenge raised
herein is to the order dated 30.1.2020 passed by the Controlling Authority
under the Payment of Gratuity Act, 1972 (Annexure P-9). Vide the said

order the petitioner has been found liable to pay a sum of Rs. 10,00,000/- with simple interest @ 10% per annum as per the Act from the date of superannuation of the petitioner i.e. 31.7.2017. The provisions of Section 7 (7) of the Act provide that the appeal is maintainable before the appropriate Government/appellate authority.

In such circumstances, this Court is of the opinion that no case is made out to entertain the writ petition without the petitioner having availed of the statutory remedy. Reference can be made to the judgment of the Apex Court in **United Bank of India Vs. Satyawati Tondon and others (2010) 8 SCC 110**.

Accordingly the writ petition is dismissed with the aforesaid liberty.

(G. S. SANDHAWALIA)
JUDGE

September 15, 2021

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Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No