

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

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CM-18348-CWP-2021 in/and
CWP-2966-2021 (O&M)
Date of Decision : 06.04.2022

Suresh Kumar Gupta and another

... Petitioners

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr.Antriksh Sharma, Advocate
for the petitioners.

Mr. Narender Singh Behgal, AAG, Haryana.

Mr.D.V.Sharma, Sr. Advocate with
Mr. Tushar Sharma, Advocate
for respondent No.3.

Mr. Gaurav Tangri, Advocate
for respondent No.4.

Harsimran Singh Sethi, J.(Oral)

Learned counsel for the petitioners argued that in the present petition, the grievance of the petitioner is that the pensionary benefits such as the provident fund and the gratuity have not been released to them despite their entitlement.

Learned counsel for respondent No.4 submits that the authority competent under the Provident Fund Act has already calculated the provident fund for which the petitioners are entitled for and the same has already been released in favour of the petitioners by the authority competent under the Provident Fund Act. That being so, no further grievance of the petitioners with

regard to grant of the provident fund in case the same has already been released by the provident fund authority in their favour subsists. Further, it is also conceded by the parties that pension has also been released in favour of the petitioner already.

The only question which remains is whether the petitioners are entitled for the grant of gratuity for the period they have served the respondents or not. Claim of the petitioners for the payment of gratuity falls under the payment of Gratuity Act, 1972, that being so, appropriate remedy is already available to the petitioners to seek release of the gratuity by applying to the competent authority envisaged under the Payment of Gratuity Act, 1972. Learned counsel for the petitioners submits that the present petition may kindly be allowed to withdraw with liberty to the petitioners to avail the appropriate remedy for claim of gratuity as under the 1972 Act.

Ordered accordingly.

In case, the petitioners have not received the amount so far, they can avail the appropriate remedy.

06.04.2022

anju

(HARSIMRAN SINGH SETHI)
JUDGE

<i>Whether speaking/reasoned?</i>	<i>Yes/No</i>
<i>Whether reportable?</i>	<i>Yes/No</i>