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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 3718/2021 & CM APPL. 11249/2021**

SHRI RAVINDER PAL

..... Petitioner

Through: Mr.Akhil Sachar, Ms.Sunanda
Tulsyan and Mr.Sangram
Singh, advocates

versus

SHRI GURMEET SINGH & ANR.

..... Respondents

Through: Mr. Pankaj Bagga, Advocate

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Date of Decision: 20.09.2022

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

J U D G M E N T

DINESH KUMAR SHARMA, J. (Oral)

1. Present writ petition has been filed challenging the order dated 11.10.2019 passed by the Controlling Authority, The Labour Department, Government of NCT of Delhi in reference no.PDA/WD/87/CA-I/Lab/19/7631-33 under the Payment of Gratuity Act, 1972. Learned counsel for the petitioner has invited the attention of this Court to the order dated 12.09.2019 which is reproduced as below :

“Claimant Sh.Gurmeet Singh present and submitted that Res-2

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i.e. Sh.Ravinder Pal is an employee and he is not a relevant party. Therefore his name may be deleted from memo of parties. Name of Res-2 is deleted from memo of parties. Adj for 25/9/19 at 11 a.m.”

2. Learned counsel for the petitioner submits that despite the name of the petitioner having been deleted from the array of the parties, the Controlling authority in the impugned order has directed the petitioner to pay the claimant a sum of Rs.47,596/- on account of gratuity along with interest. Learned counsel for the petitioner submits that Mr.Pramod Kumar Anand i.e. the employer of the petitioner, has in fact filed an appeal before the Appellate Authority which is pending disposal.
3. Learned counsel for the respondent no.1 states that the petitioner is the main person and therefore he should be held liable to make the payment of gratuity.
4. I have considered the submissions.
5. The order dated 12.09.2019 as referred hereinabove specifically indicates that the petitioner had been deleted from the array of the parties. Since the petitioner had already been deleted from the array of the parties, the Controlling Authority seems to have fallen into an inadvertent error by passing an order of payment of gratuity against the petitioner.
6. In the circumstances, the writ petition is allowed. However, respondent no.1 shall be entitled to recover the gratuity amount along with the interest as awarded by the controlling authority vide order dated



NEUTRAL CITATION NO: 2022/DHC/003828

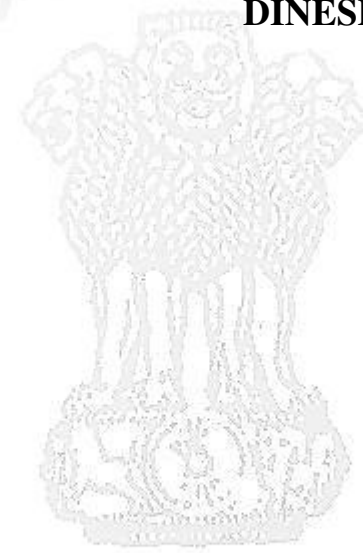
11.10.2019 from respondent no.2. Since it is an old matter, the Appellate Authority is also directed to dispose of the proceedings expeditiously.

7. The writ petition along with the pending application stands disposed of.
8. Copy of the order be given *dasti* under signatures of the Court master.

DINESH KUMAR SHARMA, J

SEPTEMBER 20, 2022

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