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

+ **W.P.(C) 13946/2022**

MANAGEMENT OF CPWD

..... Petitioner

Through: Mr. Mukul Singh, CGSC with Ms. Ira Singh, Advocate.

versus

SH, NARAYAN SINGH

..... Respondent

Through: Ms. Richa Sharma with Mr. Manoj Joshi, Advocates.

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Date of Decision: 12th October, 2022.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

J U D G M E N T

DINESH KUMAR SHARMA, J. (Oral)

CM APPL. 42654/2022 (exemption)

Exemption allowed subject to all just exceptions.

W.P.(C) 13946/2022 & CM APPL.42655/2022 (for interim relief)

1. Present writ petition has been filed challenging the order dated 21.10.2021, whereby, the Appellate Authority has rejected the appeal on the ground of having been filed after the period of limitation as prescribed under Section 7(7) of the Payment of Gratuity Act, 1972.



2. Learned counsel for the petitioner submits that the matter may be remanded back to the Appellate Authority with a direction to consider the same in accordance with law.
3. Learned counsel for the respondent has also fairly submitted that the matter may be relegated back to the Appellate Authority for adjudication on merits.
4. In view of the submissions of the parties, the matter is relegated back to the Appellate Authority under the Payment of Gratuity Act, 1972. The delay in filing the appeal before the Appellate Authority shall stand condoned.
5. The Appellate Authority is directed to entertain the appeal and decide the same in accordance with law.
6. The petitioners are directed to file an appeal against the impugned order within a period of 4 weeks from today. If such an appeal is filed within the prescribed period, then the Appellate Authority shall entertain and decide the same in accordance with law. If the appeal is not filed within the prescribed period, the same shall not be entertained and the respondent/workman may continue with the execution of the Award as passed by the Controlling Authority.
7. However till such time the appeal is heard, the recovery proceedings shall stand stayed.
8. The workman is also awarded litigation expenses in the sum of Rs.25,000/-.



9. However nothing expresses herein shall tantamount to be an expression on the merits of the case and the parties are at liberty to raise the contentions before the Appellate Authority in accordance with law.

10. Accordingly, the present petition along with pending application stands disposed of.

OCTOBER 12, 2022
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DINESH KUMAR SHARMA, J

