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

% *Date of Decision: 18th January, 2023*

+ W.P.(C) 17237/2022

RAHUL JINDAL

..... Petitioner

Through: Ms. Payal Mohanty, Advocate

versus

THE STATE TRADING CORPORATION OF INDIA
LIMITED

..... Respondent

Through: Mr. Tarkeshwar Nath, Mr. Lalit
Mohan, Mr. Harshit Singh and Mr. Virat
Saharan, Advocates

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

JUDGEMENT

JYOTI SINGH, J. (ORAL)

1. Present writ petition has been filed seeking directions to the Respondent Corporation to pay gratuity to the Petitioner in accordance with the provisions of the Payment of Gratuity Act, 1972 and reliance is placed on the judgment of the Madras High Court in **W.P. No. 2135/1987** titled as *Mettur Beardsell Ltd. (represented by Its Personnel Manager), Madras v. Regional Labour Commissioner (Central) (Authority under Payment of Gratuity Act), Madras & Others* decided on 12.06.1996 and judgment of the High Court of Kerala at Ernakulam in **W.P.(C) No. 13911/2012 (L)** titled as *Sreeja. B v. The Regional Joint Labour Commissioner* decided on 05.03.2015.

2. In view of the provisions of Payment of Gratuity Act, 1972, the relief sought by the Petitioner lies before the Controlling Authority

under the said Act and the writ petition is not maintainable at this stage.

3. In view of the alternative statutory remedy, writ petition is disposed of granting liberty to the Petitioner to approach the Appropriate Authority under the Payment of Gratuity Act, 1972 in accordance with law.

JYOTI SINGH, J

JANUARY 18, 2023/kks

