

**CWP-1168-2023 (O&M)
Date of decision-20.01.2023**

Punjab State Cooperative Supply and Marketing Federation Ltd. and
another

...Petitioners

Vs.

Kewal Krishan and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

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

MANOJ BAJAJ, J. (Oral)

Petitioners have filed this writ petition under Article 226 Constitution of India for issuance of a writ in the nature of Certiorari for quashing of order dated 20.06.2022 (Annexure P-1) passed by the official respondent No.3-Appellate Authority-cum-Deputy Commissioner, Mohali under the Payment of Gratuity Act, 1972, whereby the appeal of the petitioner, under Section 7 of the Payment of Gratuity Act, 1972 filed against the order dated 08.06.2021 (Annexure P-3) passed by respondent No.2-Controlling Authority-cum-Assistant Labour Commissioner, Bathinda, was dismissed.

Learned counsel has argued that the services of respondent No.1-Kewal Krishan were regularized w.e.f. 24.06.1992 as Junior Assistant and after his retirement on 31.03.2018, the gratuity was rightly calculated as

Rs.7,85,672/-, which was released to him and the petitioner's claim relating to the adhoc service period w.e.f. 14.01.1988 till the date of regularization i.e. 24.06.1992 cannot be counted for the purposes of gratuity, therefore, the Controlling Authority exceeded its jurisdiction in accepting the claim of respondent No.1, thereby directing the petitioners to make the payment of balance gratuity amount of Rs.1,30,946/- along with 18% interest w.e.f. 1.4.2018 till the date of payment. He submits that against the impugned order dated 08.06.2021 (Annexure P-3), an appeal was filed, however, the Appellate Authority maintained the decision passed by the Controlling Authority, however, awarded interest @ 9% per annum. Learned counsel has argued that the impugned orders are not sustainable, therefore, the interference is called for by this Court in exercise of extraordinary jurisdiction under Article 226 Constitution of India.

During the course of hearing, it is not disputed by learned counsel that respondent No.1 served as an adhoc employee w.e.f. 14.1.1988 till 24.6.1992, when his services were regularized and for this delay in regularizing the services of respondent No.1, the employee cannot be blamed. It is also conceded by the learned counsel that though respondent No.1 was to retire in March, 2016, but he was granted extension upto March, 2018. A perusal of the impugned order passed by the Controlling Authority as well as the Appellate Authority shows that they have rightly accepted the claim of respondent No.1 as the regularization of the employee would relate back to his period of initial appointment in the year 1988.

Resultantly, no case is made out for interference. Hence, the writ petition is dismissed.

(MANOJ BAJAJ)
JUDGE

20.01.2023
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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No