

CWP-2055-2023

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

CWP-2055-2023

Date of decision : 02.02.2023

**Chandigarh Baptist School through
Mrs. Sarojini N.Masih, Principal of
the School**

...Petitioner

Vs.

Union Territory Chandigarh and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. S.P.Yadav, Advocate for the petitioner.

Mr. Tanmoy Gupta, Advocate and
Ms. Amrita Garg, Advocate for respondent Nos.1 to 3.

MANOJ BAJAJ, J.

This writ petition has been filed under Article 226 Constitution of India for issuance of a writ in the nature of Certiorari for quashing the two parallel proceedings initiated simultaneously by respondent Nos.2 and 3 on the complaint of respondent No.4 for release of gratuity in violation of Section 4 (1) The Payment of Gratuity Act, 1972.

Learned counsel for the petitioner has invited the attention of the Court to Annexures P-1 and P-2 to contend that the respondent Nos.2 and 3, respectively are considering the grievance of respondent No.4/workman simultaneously, whereas the claim of the workman before respondent No.2 is not maintainable as his claim pertains to the payment

of gratuity. He submits that the petitioner has already filed reply dated 17.01.2023 (Annexure P-6) in this regard before the Labour Inspector, Circle-II, U.T.Chandigarh/respondent No.2 raising the issue of maintainability, which is pending consideration. Learned counsel prays that since the workman is in service, therefore, his claim would not be maintainable before either of the authorities and prays for indulgence of this Court by invoking writ jurisdiction under Article 226 Constitution of India.

During the course of hearing, it is not disputed by learned counsel that the claim raised by respondent No.4 is pending adjudication before both respondent Nos.2 and 3. Further, a perusal of the short reply would show that it has been filed recently on 17.01.2023.

Since the respondent Nos.2 and 3 are yet to take the decision on the issue raised in this petition, therefore, at this stage, it would not be appropriate for this Court to exercise the writ jurisdiction under Article 226 Constitution of India.

Dismissed.

(MANOJ BAJAJ)
JUDGE

02.02.2023

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