

112-8 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CM-4766-CWP-2023 in/and
CWP-2802-2021 (O&M)

Date of decision : 11.04.2023

Hindustan Everest Tools Ltd.

...Petitioner

Vs.

Raj Kumar and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Ramesh Goyat, Advocate
for applicant-respondent No.1.

Mr. Sukhdeep Parmar, DAG, Haryana.

MANOJ BAJAJ, J.

CM-4766-CWP-2023

The applicant-respondent No.1 has moved this application under Section 151 CPC for disposal of the main writ petition, in the light of the judgment dated 19.12.2022 (Annexure A-1) passed in LPA-424-2020, “*M/s Hindustan Everest Tools Ltd. Vs. Inderjeet and others*”.

Learned counsel for the applicant submits that vide order dated 04.08.2022, this writ petition was adjourned *sine die* to await the decision of LPA No.424-2020 and the same has been decided. He prays that in view of the judgment dated 19.12.2022, the present writ petition be also decided.

Notice in the application.

At this stage, Mr. Ashwani Talwar, Advocate appears and accepts notice on behalf of petitioner and does not dispute the above stand of the

learned counsel for the applicant.

For the reasons mentioned in the application, same is allowed and on oral request of learned counsel for the parties, the date of hearing of the main petition is pre-poned to today.

Main case

Petitioner has filed this writ petition under Article 226 Constitution of India to challenge the order dated 18.11.2020 (Annexure P-37) passed by appellate authority under the Payment of Gratuity Act, 1972, whereby it has upheld the decision dated 04.01.2019 (Annexure P-35) passed by the controlling authority, Payment of Gratuity Act, Circle-I, Sonapat, directing Payment of Gratuity to workman-respondent No.1.

During the course of hearing, it is not disputed by learned counsel for the parties that the issues raised in this writ petition are identical to the subject matter contained in the LPA No.424-2020, and arise from the same cause of action, which has been decided against the writ petitioner. Mr. Talwar, learned counsel for the petitioner states that the correctness and validity of the similar impugned decision stands upheld by the Division Bench in decision dated 19.12.2022, and it squarely covers the issues raised in this writ petition on merits.

In view of the above common stand of the learned counsel for the parties, the writ petition is dismissed.

(MANOJ BAJAJ)
JUDGE

11.04.2023

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Whether speaking/reasoned :
Whether Reportable :

Yes	No
Yes	No