

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

(227)

LPA-1943-2019

Decided on : 22.02.2023

Punjab State Cooperative Supply & Marketing Federation Ltd. & another

.....Appellant(s)

Versus

Ram Chand Garg & others

.....Respondent(s)

**CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA
HON'BLE MS.JUSTICE HARPREET KAUR JEEWAN**

Present: Mr.Vikas Singh, Advocate for the appellants.

Mr.Himanshu Chhabra, Advocate, for respondent No.1.

G.S. Sandhawalia, J. (Oral)

The present appeal is for consideration of the order of the learned Single Judge dated 27.11.2018 passed in CWP-29882-2018 which had been filed by the appellants. The learned Single Judge has not interfered in the benefit of interest granted on the gratuity amount which was admittedly delayed.

It is a matter of record that the employee has retired on 31.10.2006 and his first instalment of gratuity amounting to Rs.3,90,450/- was paid belatedly on 16.09.2008 out of Rs.5,70,657/-. For the balance, he had to approach to the Controlling Authority to claim relief for Rs.1,80,207/- which was allowed on 13.10.2016 (Annexure P-1) and 6% per annum interest was granted by the said authority from the date of filing i.e., 02.05.2016. Not satisfied with the same, he approached the Appellate Authority and vide order dated 19.04.2018 (Annexure P-2), the said authority granted the benefit of 10% per annum interest 1 month after the date of retirement i.e. 01.12.2006 on the first instalment of Rs.3,90,450/- which was admittedly paid at a belated stage and for the balance amount,

@ 6% per annum interest has been maintained.

It is not disputed that as per the provisions of Section 7(3) of the Payment of Gratuity Act, 1972, the employer has to arrange to pay the amount of gratuity within 30 days from the date it becomes payable and under sub-section (3A), if it is not paid, it would carry simple interest at such rate not exceeding the rate notified by the Central Government for repayment of long-term deposits.

In such circumstances, we feel that a rich Cooperative Society from the State of Punjab is not entitled to file the present appeal on technicalities that the appeal before the Appellate Authority was delayed while it has delayed in payment of the gratuity amount which it was statutorily required to pay within the prescribed period. The Appellate Authority had only corrected the error which has rightly been not interfered with by the learned Single Judge under his discretionary powers under Article 226/227 of the Constitution of India. Accordingly, this Court is of the considered opinion that the present appeal is misconceived and the same is hereby dismissed.

(G.S. SANDHAWALIA)
JUDGE

(HARPREET KAUR JEEWAN)
JUDGE

22.02.2023
sailesh

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