

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(115)

LPA-201-2023

Decided on : 15.03.2023

Chandigarh Baptist School

.....Appellant (s)

Versus

U.T. Chandigarh and others

.....Respondent(s)

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

Present: Mr. S.S.Sodhi, Advocate with
Mr. S.P. Yadav, Advocate for the appellant (s).

Mr. Harinder Pal Singh, Additional Standing Counsel
for U.T. Chandigarh.

G.S. Sandhawalia, J. (Oral)

Challenge in the present Letters Patent Appeal is to the order dated 02.02.2023 passed in **CWP No.2055 of 2023 ‘Chandigarh Baptist School through Mrs. Sarojini N. Masih, Principal of the School Vs. Union Territory Chandigarh and others’** of the learned Single Judge who did not exercise his extra-ordinary writ jurisdiction to interfere in the issue which is pending adjudication before respondent Nos.2 & 3.

Counsel has vehemently argued that respondent No.4 continues to be in service and, therefore, claim for gratuity cannot be made as such in view of the provisions of the Payment of Gratuity Act, 1972, which provide that the entitlement would be only of three eventualities as provided under Section 4 (1) of the said Act.

We are of the considered opinion that learned Single Judge has examined the said issue and come to the conclusion that the writ petition is premature as a decision is yet to be taken on the issue by the said authorities.

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In such circumstances we do not propose to call upon respondent No.4 who is only serving as a Cleaner/Conductor with the appellant-school. It is always open to the appellant-school to file its response before the authorities and bring it in their notice that it is beyond their jurisdiction and they have to take a decision on the same. We are sanguine that the concerned authority shall take a decision on the said issue expeditiously.

Accordingly, we do not find any ground to entertain the present appeal and the same is dismissed in limine.

(G.S. SANDHAWALIA)
JUDGE

(HARPREET KAUR JEEWAN)
JUDGE

15.03.2023
Naveen

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