

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

CWP-6913-2023

Date of decision : 10.04.2023

Bright Scholar Senior Secondary School

...Petitioner

Vs.

**The Appellate Authority under the
Payment of Gratuity Act and others**

..Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Saajan Singla, Advocate
for the petitioner.

MANOJ BAJAJ, J.

Petitioner has filed this writ petition under Article 226 Constitution of India for issuance of a writ in the nature of certiorari for quashing the order dated 26.10.2022 (Annexure P-4) passed by the appellate authority under the Payment of Gratuity Act 1972, Rohtak, whereby while upholding the order 30.09.2021 (Annexure P-3) passed by the authority under the Payment of Gratuity Act, 1972, Circle-1, Sonapat, the appellate authority has modified the interest part, and enhanced it by one percent.

Learned counsel submits that the authority under the payment of Gratuity Act upon considering the length of service of respondent No.3 had assessed a sum of Rs.1,07,423/- as gratuity and directed its payment with interest @9% i.e. Rs.25,781/-, and this entire amount alongwith interest has already been paid to the employee. Learned counsel has pointed out that against the decision dated 30.09.2021, the petitioner preferred the statutory appeal whereas the employee remained satisfied with the said decision, but the appellate authority while dismissing the appeal by petitioner proceeded to

enhance the rate of interest from 9% to 10%. In this regard, he has invited the attention of the Court to the impugned order dated 26.10.2022.

Learned counsel states that he confines his challenge only to the limited extent of the enhancement of interest as the assessed amount of gratuity alongwith 9% interest has already been paid to the employee.

Considering the limited submission as well as the difference of rate of interest, this Court is not inclined to issue any notice to respondent No.3 as it would cause extra burden upon him to contest this writ petition. However, it is left open for respondent No.3 to seek recalling of this order in case he feels that the petitioner has concealed the material facts.

Upon considering the submission of the learned counsel at the limited issue raised in this petition, this Court finds that the appellate authority while *suo motu* enhancing the rate of interest by 1% has not given any specific reasons, therefore, to that extent the impugned decision by the appellate authority deserves to be modified. Accordingly, the order dated 26.10.2022 (Annexure P-4) passed by the appellate authority under the Payment of Gratuity Act 1972, Rohtak, enhancing the interest is hereby set aside.

The amount of gratuity as assessed by the authority under the Payment of Gratuity Act, 1972, Circle-1, Sonapat shall carry interest @ 9%.

With the above modification in the impugned order dated 26.10.2022, the writ petition is disposed of.

(MANOJ BAJAJ)
JUDGE

10.04.2023
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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No