

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

122/1

CWP-13242-2020

Date of Decision: 20.11.2023

Madhumita Kashyap

...Petitioner

Versus

**Bhakhra Beas Management Board through Its Chairman, Chandigarh
and Others**

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Mitul Singh Rana, Advocate for the petitioner
Mr. Sadhanshu Makkar, Advocate for respondent Nos.1, 3 and 4
Mr. Umesh Pandey, Advocate for
Mr. Rajdeep Singh Cheema, Advocate
for respondent Nos.2 and 5

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Article 226/227 of the Constitution of India is seeking direction to respondents to release gratuity of the petitioner.

2. The petitioner has worked with respondents as Teacher for more than 30 years and as per Payment of Gratuity Act, 1972 (for short '1972 Act'), the petitioner is entitled to gratuity, however, respondents are not calculating and releasing her claim.

3. Learned counsels for the respondents submits that petitioner is supposed to approach Controlling Authority constituted under 1972 Act and this Court cannot decide disputed questions of fact. In support of their

contention, they rely upon judgment dated 21.09.2023 of a Coordinate Bench of this Court in *Paramjit Kaur v. State of Punjab and Others*, CWP No.22413-2021. They further submit that if petitioner files application before the Controlling Authority, they would not raise question of limitation.

4. Faced with this, learned counsel for the petitioner seeks permission to withdraw the present petition with liberty to approach the Controlling Authority under 1972 Act. He further prays that Controlling Authority may be directed to decide claim of the petitioner in a time bound manner.

5. In the wake of statements of both sides, the present petition stands disposed of with liberty to the petitioner to approach Controlling Authority constituted under 1972 Act.

6. If the petitioner approaches Controlling Authority under 1972 Act, the Controlling Authority is requested to decide her claim expeditiously and preferably within 6 months from the date of filing application.

7. It is made clear that respondent shall not seek adjournments before the Controlling Authority.

(JAGMOHAN BANSAL)
JUDGE

20.11.2023
Mohit Kumar

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No