

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

CWP-27862-2023

Date of Decision: 13.12.2023

M/s Bhushan Power and Steel Limited

..... Petitioner

Versus

Controlling Authority under the Payment of Gratuity Act and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Dr. Rajansh Thukral, Advocate,
Dr. Surekha Thukral, Advocate and
Mr. Sidharth Thukral, Advocate
for the petitioner.

HARSH BUNGER J. (ORAL)

1. The instant writ petition has been filed under Articles 226/227 of the Constitution of India seeking quashing of *ex parte* order dated 07.03.2022 passed by respondent No.1 as well as the consequential proceedings in terms of order dated 12.07.2023 (Annexure P-2) and recovery notice dated 03.11.2023 (Annexure P-3). Another prayer has been made to direct respondent No.1 to initiate appropriate legal action against respondent No.2. It has further been prayed that *ad interim ex parte* stay of *ex parte* order dated 07.03.2022 along with order dated 12.07.2023 and recovery notice dated 03.11.2023 be granted during pendency of the instant writ petition.

2. At the outset, learned counsel for the petitioner submits that inadvertently he has not impugned order dated 07.03.2022 passed by the

Controlling Authority under the Payment of Gratuity Act, 1972, U.T. Chandigarh, whereby petitioner herein was proceeded against *ex parte*. Accordingly, he prays for withdrawal of the instant writ petition with liberty to file fresh one, if required, after impugning the aforesaid order.

3. Keeping in view the aforesaid submissions made by learned counsel for the petitioner, the present writ petition is dismissed as withdrawn with the liberty aforesaid.

4. All pending application(s), if any, shall also stand closed.

13.12.2023

Apurva

(HARSH BUNGER)
JUDGE

1. Whether speaking/reasoned : Yes/No

2. Whether reportable : Yes/No