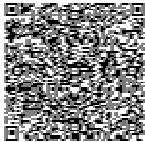


CWP-1543-2020 and other
Connected matters

1

2024:PHHC:148094



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

202+256 (02 cases)+259+260 (03 cases)
+261+262+265+276+ 282+293+295

CWP-1543-2020
Date of Decision : 13.11.2024

THE PUNJAB STATE COOPERATIVE SUPPLY AND MARKETING
FEDERATION LIMITED

.... PETITIONER

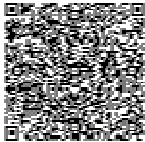
V/S

UTTAM SINGH AND OTHERS

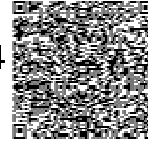
.... RESPONDENTS

Sr. No.	Case No.(O&M)	Parties Name
1.	CWP-20688-2019	PUNJAB STATE COOPERATIVE SUPPLY AND MARKETING FEDERATION LTD V/S PAWAN KUMAR SEHGAL AND ORS
2.	CWP-13127-2020	PUNJAB STATE CO-OPERATIVE SUPPLY AND MARKETING FEDERATION LTD. V/S JUGRAJ SINGH AND OTHERS
3.	CWP-31001-2019	PUNJAB STATE COOPERATIVE SUPPLY AND MARKETING FEDERATION LTD V/S APPELLATE AUTHORITY UNDER THE PAYMENT OF GRATUITY ACT, 1972 AND DEPUTY CHIEF LABOUR COMMISSIONER (CENTRAL), CHANDIGARH AND OTHERS
4.	CWP-35214-2019	THE PUNJAB STATE COOPERATIVE SUPPLY AND MARKETING FEDERATION LTD V/S SHYAM LAL AND OTHERS
5.	CWP-16106-2021	THE PUNJAB STATE COOPERATIVE SUPPLY AND MARKETING FEDERATION LTD V/S RAJ KUMAR AND ORS
6.	CWP-3937-2023	THE PUNJAB STATE COOPERATIVE SUPPLY AND MARKETING FEDERATION LTD V/S APPELLATE AUTHORITY UNDER THE PAYMENT OF GRATUITY ACT, 1972-CUM-

2024:PHHC:148094



		ADDITIONAL LABOUR COMMISSIONER, PUNJAB AND OTHERS
7.	CWP-35697-2019	THE PUNJAB STATE COOPERATIVE SUPPLY AND MARKETING FEDERATION LTD V/S GURDEV SINGH AND OTHERS
8.	CWP-3374-2020	THE PUNJAB STATE COOPERATIVE SUPPLY AND MARKETING FEDERATION LTD V/S RAGHBIR SINGH AND ORS
9.	CWP-6904-2020	THE PUNJAB STATE CO-OPERATIVE SUPPLY AND MARKETING FEDERATION LTD V/S THE APPELLATE AUTHORITY UNDER THE PAYMENT OF GRATUITY ACT- CUM-DEPUTY CHIEF LABOUR COMMISSIONER, CHANDIGARH AND ANOTHER
10.	CWP-18404-2021	THE PUNJAB STATE COOPERATIVE SUPPLY AND MARKETING FEDERATION LTD V/S GURMAIL SINGH AND OTHERS
11.	CWP-11432-2022	THE PUNJAB STATE COOPERATIVE SUPPLY AND MARKETING FEDERATION LTD AND ANOTHER V/S APPELLATE AUTHORITY UNDER THE PAYMENT OF GRATUITY ACT, 1972-CUM- ADDITIONAL LABOUR COMMISSIONER, PUNJAB AND OTHERS
12.	CR-436-2023	THE PUNJAB STATE CO-OPERATIVE SUPPLY AND MARKETING FEDERATION LTD. V/S APPELLATE AUTHORITY UNDER THE PAYMENT OF GRATUITY ACT, 1972-CUM- ADDITIONAL LABOUR COMMISSIONER, PUNJAB AND OTHERS
13.	CWP-2726-2023	THE PUNJAB STATE COOPERATIVE SUPPLY AND MARKETING FEDERATION LIMITED AND ANOTHER V/S JANESH KUMAR AND OTHERS



CORAM : HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present :- Mr.Kavinder S.Chhibber, Advocate for
Mr. T.V.S.Lehal, Advocate
for the petitioner.

Mr. Ankit Kumar, Advocate
for the petitioner in CWP-20688-2019
CWP-13127-2020.

Mr. Vikas Singh, Advocate and
Ms. Anamika Sheoran, Advocate
for the petitioner in CWP-35214-2019, CWP-16106-2021,
CWP-3937-2023, CWP-35697-2019, CWP-18404-2021 and
CWP-11432-2022.

Ms. Pushpanjali Bisht, Advocate for
Mr. T.S.Sidhu, Advocate
for the petitioner in CWP No.16106 of 2023,
CWP-3937-2023 and CWP-2726-2023.

Mr. Aman Dhir, DAG, Punjab.

Mr. Shiv Kumar, Advocate
Mr. Lovedev Singh, Advocate
Mr. Raman Kaplish, Advocate
for the respondents in all cases.

Mr. Piyush Khanna, Advocate
for the respondents in CWP-35214-2019
CWP-16106-2021 and CWP-3937-2023.

Mr. Mandeep Singh Kaler, Advocate
for respondent No.1 in CWP-20688-2019 and
CWP-13127-2020.

Mr. Labh Singh Sandhu, Advocate
for respondent No.3 in CWP-3937-2023.

JAGMOHAN BANSAL, J. (Oral)

1. By this common order, the above-noted petitions are hereby
adjudicated as issues involved and prayer sought in all the petitions are



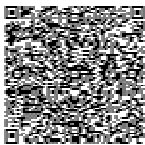
common. For the sake of convenience and with the consent of parties, the facts are borrowed from CWP-1543-2020.

2. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of order dated 26.12.2017 (Annexure P-1) whereby Controlling Authority has directed to pay gratuity and order dated 29.10.2018 (Annexure P-2) whereby Appellate Authority has dismissed its appeal on the ground of delay.

3. The petitioner is a State Government undertaking. The workman of the petitioner preferred an application before Controlling Authority constituted under Payment of Gratuity Act, 1972 (for short '1972 Act'). The said application came to be allowed vide order dated 26.12.2017. The petitioner failed to prefer an appeal within limitation period. The Appellate Authority dismissed its appeal on the ground that delay beyond 60 days cannot be condoned and in the instant case, delay is beyond permissible limit.

4. Mr. Ankit Kumar, Advocate submits that the appellate authority cannot condone delay beyond 60 days, however, this Court in exercise of power under Article 226 of the Constitution of India can condone delay even beyond 60 days. The petitioner is having a good case on merits, thus, it should not be deprived from contesting its case on merits.

5. Proviso to sub-section (7) of Section 7 of 1972 Act categorically provides that Appellate Authority may condone delay of



maximum of 60 days. For the ready reference, Section 7(7) of 1972 Act is reproduced as below:-

“(7) Any person aggrieved by an order under sub-section (4) may, within sixty days from the date of the receipt of the order, prefer an appeal to the appropriate Government or such other authority as may be specified by the appropriate Government in this behalf:

Provided that the appropriate Government or the appellate authority, as the case may be; may, if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal within the said period of sixty days, extend the said period by a further period of sixty days.”

6. Concededly the petitioner preferred appeal before Appellate Authority beyond maximum period of delay which could be condoned.

7. On being confronted with judgment of Supreme Court in *‘Assistant Commissioner (CT) LTU, Kakinada and ors. Vs. M/s Glaxo Smith Kline Consumer Health Care Limited (2020) 19 SCC 681*, Mr. Ankit Kumar, Advocate expressed his inability to distinguish his case from the said judgment.

8. In view of judgment of Supreme Court in *M/s Glaxo Smith* (Supra), writ petitions cannot be entertained, thus, dismissed.

9. Pending miscellaneous application (s), if any, shall also stand disposed of.

13.11.2024

anju

(JAGMOHAN BANSAL)
JUDGE

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