



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

207

CWP-6585-1997 (O&M)
Date of decision: 24.10.2024

BHAKRA BEAS MANAGEMENT BOARD AND ORS.

....PETITIONERS

Vs.

SURINDER SINGH AND ORS.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Karan Nehra, Advocate and
Mr. Harvinder Singh, Advocate
for the petitioners.

JAGMOHAN BANSAL, J (ORAL)

1. On 09.04.2024, the following order was passed:

“Power of attorney on behalf of the petitioners has been filed in the Court today. The same is taken on record. Registry is directed to tag the same at appropriate place in the paper-book.

Respondent No.1 (actual workman) is being represented by respondent No.2 as his General Power of Attorney holder.

Mr. Karan Nehra, Advocate for the petitioner submits that initially after issuance of notice of motion, Mr. Madan Mohan, Advocate and Mr. Yogesh Putney, Advocate had appeared on behalf of respondents No. 1 and 2.

As per office report dated 05.12.2016, Mr. Madan Mohan, Advocate is no more, let a reminder be issued to Mr. Yogesh Putney, Advocate about the next date of hearing fixed before this Court in the present writ petition.

Adjourned to 24.05.2024.”

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2. As per office report, notice was sent to Mr. Yogesh Putney, Advocate who has informed that case does not relate to him.
3. On 13.02.2024, 09.04.2024 and 24.05.2024, there was no representation on behalf of respondents.
4. Mr. Karan Nehra, Advocate submits that matter relates to Surinder Singh son of Sh. Sarwan Singh who abandoned his job in 1990 and was terminated on 11.07.1991. He left for abroad and as per his instructions, he is still residing out of Country. He neither filed application before Controlling Authority claiming gratuity nor appealed before the Appellate Authority. The Controlling Authority rejected the claim and Appellate Authority allowed appeal filed by the Attorney Holder. The filing of claim and appeal by Attorney Holder indicates that workman was never interested to pursue the matter. He was well aware that he is governed by Punjab Civil Service Rules, thus, Payment of Gratuity Act, 1972 itself was not applicable. Despite lack of jurisdiction, the Appellate Authority entertained appeal and directed Management to pay a sum of Rs. 38,490/- to workman.
5. This Court finds substance in the submissions of the petitioner and accordingly petition is hereby allowed. The impugned order dated 04.03.1997 is hereby set-aside.
6. The respondent-workman is at liberty to move an application if cause survives.

7. It is made clear that if petitioner has already made payment in terms of impugned order, the payment already made shall not be recovered.
8. Pending miscellaneous application(s), if any, shall also stand disposed of.

24.10.2024
manoj

[JAGMOHAN BANSAL]
JUDGE

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