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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-9838-2023
Date of Decision:06.08.2024

BALWANT SINGH AND ANOTHER Petitioners

Versus

ASSISTANT LABOUR COMMISSIONER(CENTRAL),
MINISTRY OF LABOUR AND EMPLOYMENT AND ANOTHER
..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Amit Sharma (Kanav), Advocate
Mr. Ajay Sharma, Advocate
for the applicant-petitioners.

Mr. Piyush Khanna, Advocate
for respondent No.1.

Ms. Pushpanjali Bisht, Advocate for
Mr. T.S. Sidhu, Advocate
for respondent No.2-MARFED.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioners through instant petitions under Articles 226/227 of the Constitution of India are seeking direction to respondent No.1 to release gratuity which was deposited by respondent No.2.
2. The respondent No.1 is Assistant Labour Commissioner (Central) and respondent No.2 is Punjab State Cooperative Supply and Marketing Federation (for short 'MARKFED'). The petitioners after attaining the age of superannuation retired from office of respondent No.2. At that point of time, some departmental proceedings were pending against them. The employer did not release gratuity on account of



pending departmental proceedings. The petitioners approached Controlling Authority seeking direction to respondents to release their gratuity. The Controlling Authority directed the employer-MARKFED to release petitioners' gratuity. The MARKFED feeling aggrieved from order of Controlling Authority preferred an appeal before Appellate Authority which came to be dismissed vide order dated 31.03.2022. During the pendency of appeal, MARKFED deposited amount of gratuity determined by Controlling Authority with respondent No.1. The amount till date is lying with respondent No.1.

3. The respondent No.1 in its reply as well as during the course of hearing pleads that on account of interim order dated 26.08.2022 passed by this Court in CWP No.18913 of 2022, they are unable to release gratuity.

4. Learned counsel for MARKFED submits that they have no objection if gratuity is released to petitioners and they have already written a letter to this effect to respondent No.1.

5. From the perusal of record and arguments of both sides, it comes out that MARKFED has not challenged order passed by Appellate Authority rather they have requested respondent No.1 to release gratuity of the petitioners. The respondent No.1 is expressing its inability on the sole ground that there is an interim order passed by this Court in another writ petition. The MARKFED has no objection if gratuity is released and they have not assailed the order passed by Appellate Authority. In such situation, the respondent No.1 cannot withhold amount of gratuity for an indefinite period. Accordingly, respondent No.1 is directed to release amount of gratuity to petitioners within two weeks from today. It is made

clear that petitioners would be entitled to interest as already determined or accrued on account of amount deposited with respondent No.1. They would not be entitled to any further amount of interest.

6. Disposed of.

(JAGMOHAN BANSAL)
JUDGE

06.08.2024
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Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>