

CWP-22087-2010 (O&M)
CWP-20899-2010 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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1. CWP-22087-2010 (O&M)
Decided on : 15.01.2024

Sadhu Singh and others . . . Petitioner(s)

Versus

State of Punjab and others . . . Respondent(s)

2. CWP-20899-2010 (O&M)

Harjinder Singh and others . . . Petitioner(s)

Versus

State of Punjab and others . . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: None for the petitioner(s).

Mr. Vipin Pal Yadav, Addl. AG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. This order shall dispose of CWP-22087-2010 (O&M) and CWP-20899-2010 (O&M), as the issue involved therein is identical.

However, the facts are being extracted from CWP-22087-2010 (O&M).

2. Present writ petition has been filed by the petitioners in the year 2010, by challenging the notification dated 08.01.2004, published in the official Gazette on 15.05.2009 (Annexure P-1), and also seeking quashing of the order dated 29.06.2009 (Annexure P-10), vide which, claim of grant of payment of gratuity under the Payment of Gratuity Act, 1972 (in short 'the Act'), had been rejected, by respondent No.4 – Regional Labour Commissioner (Central) 420A, Gandhi Nagar, Jammu.

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3. Order dated 01.02.2012, says as under:-

*“Present:- Mr. G.C. Gupta, Advocate
for the petitioners.*

Ms. Sudipti Sharma, DAG, Punjab.

Division Bench of this Court has already upheld the validity of notification dated 8.1.2004 exempting the Punjab Electricity Board from the operation of Payment of Gratuity Act, 1972. The matter is pending before Hon’ble the Supreme Court as the petitioners, in that petition, have gone to Hon’ble the Supreme Court.

List again after the decision of Hon’ble the Supreme Court.

A photocopy of this order be placed on the file of other connected case.”

4. On the record of the writ petition, office has placed the order dated 21.10.2019, passed by the Hon’ble Apex Court in Civil Appeal Nos. 6369-6370 of 2011 (Balwant Singh & Ors. vs. State of Punjab). For convenience, same is reproduced here-under:-

“ Pursuant to earlier order passed by this Court on 15.4.2019, notice was issued to appellant Nos.1, 3 & 4 for making alternative arrangement. It is reported that notice in respect of appellant Nos.3 and 4 has been received back with postal remarks “Refused to accept” and “Addressee Died”.

So far as appellant No.1 is concerned, it is reported that as per his letter dated 23.5.2019, he does not want to prosecute the case further as he has received full and final payment of gratuity. Under the circumstances, name of appellant No.1 is directed to be deleted.

So far as appellant No.2 is concerned, notice for making alternative arrangement is served but none has

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appeared on his behalf. Hence, it appears that appellant No.2 also does not want to prosecute the case further.

Hence, the present civil appeal Nos.6369-6370 of 2011 are dismissed for non-prosecution qua appellant No.2. Under the circumstances, civil appeals stand disposed of in above terms.”

5. Thereupon, none appeared on behalf of the petitioners on 14.10.2022, 01.08.2023 and again on 02.12.2023. Today also, there is no representation on behalf of the petitioners..

6. In view of the fact that Civil Appeal Nos. 6369-6370 of 2011, have already been dismissed for want of prosecution, order passed by the Division Bench of this Court (Punjab and Haryana High Court), as referred in the order dated 01.02.2012, upholding the validity of the notification dated 08.01.2004, exempting the Punjab Electricity Board from the operation of Payment of Gratuity Act, 1972, still holds the ground.

7. Present writ petitions are also not being prosecuted, despite giving several opportunities.

Dismissed for non-prosecution.

Photocopy of this order be placed on the file of connected case.

(SANJAY VASHISTH)
JUDGE

January 15, 2024

J.Ram

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