

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

243

CWP-14343-2016
Date of Decision: 20.01.2024

District Council for child welfare, Bal Bhawan, Karnal
.... Petitioner

Versus

Asha Sharma and another
....Respondents

CORAM:HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: None for the petitioner.

Mr. Naveen Daryal, Advocate
for the respondents.

SANJAY VASHISTH, J.(Oral)

1. By way of present petition, petitioner-District Council for Child Welfare Bal Bhawan Karnal through its District Child Welfare Officer, Karnal has sought quashing of the order dated 10.09.2015 (Annexure P-2) passed by the Controlling Authority under the Payment of Gratuity Act, 1972 and the order dated 25.04.2016 (Annexure P-3) passed by the Appellate Authority, whereby respondent No.1-Asha Sharma has been ordered to be paid the gratuity amount of Rs.85,673/- alongwith simple interest @ 10 % per annum w.e.f. the date of entitlement of the employee-respondent No.1.
2. Appeal has been dismissed primarily on the ground that the appellant(petitioner herein) did not deposit the amount awarded by

the Controlling Authority, therefore, appeal is held to be not maintainable under second proviso of Section 7(7) of the Payment of Gratuity Act, 1972.

3. It is noticed that after filing of the writ petition, never any stay was ordered. On the previous date of hearing i.e. 26.07.2022, none was present on behalf of the petitioner and even today, there is no one present to represent the case on behalf of the petitioner.

4. In view of the facts and circumstances explained and recorded here above, the present petition is disposed of for want of prosecution.

However, liberty is granted to the petitioner to seek revival of the present petition, in case, cause of action still survives or any substantial question is yet to be decided.

January 20, 2024
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[SANJAY VASHISTH]
JUDGE

Whether speaking/reasoned
Whether reportable?

yes/no
yes/no