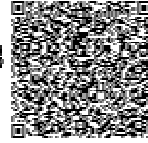


2024:PHHC:117678



CWP-22772-2024 1

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

132

CWP-22772-2024

Date of Decision : 09.09.2024

THE PALWAL CO-OPERATIVE SUGAR MILLS, PALWAL

.... PETITIONER

V/S

THE APPELLATE AUTHORITY UNDER THE PAYMENT OF
GRATUITY ACT, 1972 CUM DEPUTY LABOUR COMMISSIONER,
FARIDABAD AND OTHERS

.... RESPONDENTS

CORAM : HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present :- Mr. Ashwani Gaur, Advocate
for the petitioner.

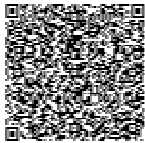
JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of order dated 08.04.2024 (Annexure P-10) whereby its appeal has been dismissed.

2. The appellate authority has dismissed appeal of the petitioner on the ground that there is no provision to condone delay beyond 60 days and in the instant case, there is delay of more than 60 days.

3. Mr. Ashwani Gaur, Advocate expressed his inability to controvert the fact that under Payment of Gratuity Act, 1972, the appellate authority can condone delay of maximum 60 days and in the instant case, there was delay of more than 60 days.

4. Proviso to sub-section (7) of Section 7 of 1972 Act



categorically provides that Appellate Authority may condone delay of maximum 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.”

5. Concededly, there was delay of more than 60 days on the part of petitioner and application seeking condonation of delay was filed.
6. In view of judgment of Supreme Court in Singh Enterprises Vs. Commissioner of Central Excise, Jamshedpur and others (2008) 3 SCC 70 and CCE Vs. Hongo (India) (P.) Ltd (2009) 5 SCC 791, the Appellate Authority could not condone the delay and appeal was rightly dismissed on the ground of limitation.
7. Dismissed.

(JAGMOHAN BANSAL)
JUDGE

09.09.2024
anju

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