

2024:PHHC:099684



CWP-18658-2024

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

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CWP-18658-2024

Date of Decision : 05.08.2024

THE GOVT. OF HARYANA, FOREST DEPARTMENT

.... PETITIONER

V/S

HARI SINGH AND OTHERS

.... RESPONDENTS

CORAM : HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Raman Sharma, Addl.A.G., Haryana.

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 29.04.2022 (Annexure P-3) passed by Controlling Authority under the Payment of Gratuity Act, 1972 (for short, '1972 Act') and order dated 08.01.2024 (Annexure P-6) whereby Appellate Authority has dismissed his appeal on the ground that appeal is not addressed to proper Court.

2. Mr. Raman Sharma, Addl.A.G., Haryana, submits that concededly appeal against order of Controlling Authority constituted under the 1972 Act lies before the Appellate Authority. The petitioner feeling aggrieved from order dated 29.04.2022 passed by Controlling Authority preferred an appeal before the Appellate Authority. The heading of the appeal filed by the petitioner was "Appellate



Authority/Deputy Labour Commissioner whereas it should be “Appellate Authority under the Payment of Gratuity Act, 1972”. The Appellate Authority forming a hyper-technical opinion has dismissed appeal of the petitioner.

3. Order dated 29.04.2022 is an appealable order and the appeal was filed before the Appellate Authority along with an application seeking condonation of delay. As per petitioner, there was a minor mistake in the heading of the appeal. From the perusal of impugned order, it is not possible to conclude that appeal was not addressed to proper Court.

4. Without considering the merits of the case, this Court finds it appropriate to set aside the impugned order dated 08.01.2024 and pass an order on merits including the application seeking condonation of delay. Accordingly, the impugned order is set aside and the matter is remanded back to the Appellate Authority to pass fresh order.

5. Disposed of.

(JAGMOHAN BANSAL)
JUDGE

05.08.2024

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