



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

107 CWP-18025-2023
Date of decision: 29.08.2024

MANAGING DIRECTOR PUNJAB STATE FEDERATION OF
COOPERATIVE SUGAR MILLS LTD.
....PETITIONER

Vs.

CONTROLLING AUTHORITY-CUM-ASSISTANT LABOUR
COMMISSIONER AND OTHERS
...RESPONDENTS

CWP-18045-2023

MANAGING DIRECTOR, PUNJAB STATE FEDERATION
OF COOPERATIVE SUGAR MILLS LTD.
....PETITIONER

V/S

CONTROLLING AUTHORITY CUM ASSISTANT LABOUR
COMMISSIONER AND OTHERS.
...RESPONDENTS

CWP-18048-2023

MANAGING DIRECTOR PUNJAB STATE FEDERATION
OF COOP SUGAR MILLS LTD.
....PETITIONER

V/S

CONTROLLING AUTHORITY CUM ASSISTANT LABOUR
COMMISSIONER AND OTHERS.
...RESPONDENTS

CWP-18151-2023

MANAGING DIRECTOR PUNJAB STATE FEDERATION
OF COOPERATIVE SUGAR MILLS LTD.PETITIONER

V/S

CONTROLLING AUTHORITY-CUM-ASSISTANT LABOUR
COMMISSIONER AND OTHERS.
...RESPONDENTS



CWP-18025-2023 and other connected cases -2-

CWP-18193-2023

MANAGING DIRECTOR, THE PUNJAB STATE
FEDERATION OF COOP SUGAR MILLS LTD.PETITIONER

V/S

CONTROLLING AUTHORITY CUM ASSISTANT LABOUR
COMMISSIONER AND OTHERS
...RESPONDENTS

CWP-18213-2023

MANAGING DIRECTOR, PUNJAB STATE FEDERATION
OF COOPERATIVE SUGAR MILLS LTD.
....PETITIONER

V/S

CONTROLLING AUTHORITY CUM ASSISTANT LABOUR
COMMISSIONER AND OTHERS
...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Vikas Singh, Advocate
for the petitioner(s).

JAGMOHAN BANSAL, J (ORAL)

1. By this common order CWP-18025-2023, CWP-18045-2023, CWP-18048-2023, CWP-18151-2023, CWP-18193-2023 and CWP-18213-2023 are being disposed of since issues involved in all the petitions and prayer sought are common. With the consent of parties and for the sake of brevity, facts are borrowed from CWP-18025-2023.

**CWP-18025-2023 and other connected cases -3-**

2. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of order dated 04.01.2023 (Annexure P-4) whereby Controlling Authority has directed to pay Gratuity.

3. The petitioner is a State Government undertaking. The workman of the petitioner preferred an application before Controlling Authority constituted under Payment of Gratuity Act, 1972. The said application came to be allowed vide order dated 18.07.2018. The petitioner failed to prefer an appeal within limitation period.

4. Mr. Vikas Singh, Advocate submits that appeal was not filed because there was delay and this Court can entertain writ petition despite remedy of appeal.

5. Proviso to sub-section (7) of Section 7 of 1972 Act categorically provides that Appellate Authority may condone delay of maximum of 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.”

6. Concededly the petitioner did not prefer appeal before Appellate Authority and maximum period which could be condoned has expired. The impugned order was passed in January’ 2023 and maximum condonable period is 60 days after normal limitation period of 60 days.



CWP-18025-2023 and other connected cases -4-

7. On being confronted with judgment of Supreme Court in ‘*Assistant Commissioner (CT) LTU, Kakinada and ors. Vs. M/s Glaxo Smith Kline Consumer Health Care Limited (2020) 19 SCC 681*, Mr. Vikas Singh, Advocate expressed his inability to distinguish his case from the said judgment.
8. In view of judgment of Supreme Court in *M/s Glaxo Smith* (Supra), writ petitions cannot be entertained, thus, dismissed.

29.08.2024
manoj

[JAGMOHAN BANSAL]
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No