

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

209

RSA-4037-2016 O&M)
Decided on :19.04.2024

DISTRICT MANAGER PUNJAB STATE WAREHOUSING
CORPORATION AND ORS .APPELLANT

Versus

RAKESH KUMAR . . . RESPONDENT

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

PRESENT: Mr. Anil Kumar Sharma, Advocate for the appellant.

Mr. Ashish Grover, Advocate for the respondent.

HARSIMRAN SINGH SETHI , J. (Oral)

1. The present regular second appeal has been filed by the appellant against the judgment and decree of the Courts below by which the claim for the grant of gratuity/CPF and leave encashment alongwith interest has been allowed in favour of the respondent-plaintiff.
2. Learned counsel for the appellant submits that for the grant of gratuity, the respondent-plaintiff should have approached the appropriate authority as envisaged under the payment of The Gratuity Act, 1972 and the Civil Court should not have interfered in the same.
3. I have heard learned counsel for the parties and have gone through the record with their able assistance.
4. Once, the liability to pay the gratuity has not been disputed and the argument is that merely that the civil Court should not have granted the same, will not render the judgment/decree without jurisdiction. It is not a case that the appellants are denying entitlement of the respondent-plaintiff to seek the gratuity. The only ground raised by the appellant is that the respondent-plaintiff was absent from service but nothing has come on

record to show that qua the said absence of the respondent-plaintiff from service or any action has been taken by the appellants against the respondent-plaintiff during his service career qua any unauthorized absence, hence, in the absence of any such fact/evidence brought into the notice of this Court, the period of service for which the respondent-plaintiff has been held entitled for the payment of gratuity by the Courts below needs no reconsideration at the hands of this Court and that too in the regular second appeal.

5 No other argument has been raised by learned counsel for the parties.

6 As no perversity in the findings recorded by the lower Courts below has been brought to the notice of this Court, no ground is made out for interference in the present regular second appeal, hence the same stands **dismissed**.

7. It may be noticed that the entitlement of the respondent-plaintiff for the grant of pensionary benefits has been adjudicated and the actual amount for which, the respondent/plaintiff will be entitled for under the heading of Leave Encashment and other benefits will be depending upon the service career of the respondent-plaintiff and in case, any dispute arises, the same will be within the jurisdiction of the executing Court to pass an appropriate order.

8. Pending civil miscellaneous application, if any, stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

19.04.2024

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Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No