



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

112

CWP No.24930 of 2024 (O&M)
Date of decision: 27.09.2024

Surinder Pal and others

....Petitioners

Versus

State of Punjab and others

....Respondents

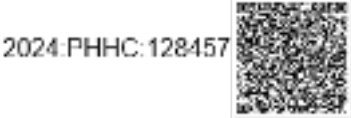
CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. J.P.S. Sidhu, Advocate for the petitioners.

Mr. Rajesh Sehgal, Addl. A.G., Punjab.

NAMIT KUMAR J. (Oral)

Prayer in this writ petition filed by the petitioners under Articles 226/227 of the Constitution of India, is for issuance of a writ in the nature of certiorari, for quashing impugned order dated 29.06.2024 (Annexure P-1) whereby the claim of the petitioners for payment of enhanced gratuity (actual earned gratuity) as per amended provisions of Section 4(3) of Gratuity Act, 1972 (implemented w.e.f. 29.03.2018) has been rejected. Further prayer has been made to set-aside the letter dated 13.09.2019 (Annexure P-5) issued by Government of Punjab, Department of Finance, directing Apex Cooperative Institution/Respondent Bank to withdraw implementation of Notification dated 29.03.2018, in respect of Section 4(3) of 1972 Act. Further prayer has been made to declare the letter dated 04.08.2022 (Annexure P-6) issued by State of Punjab, as null and void. Further a writ of mandamus has been sought for directing the respondents to pay enhanced/actual earned gratuity to the petitioners along with interest @ 12% per annum on the revised pay as per Gratuity Amendment Act,



2018. Another prayer has been made to direct the respondents to pay interest @ 10% per annum to the petitioners on gratuity, which has been illegally withheld by the respondents and the same be paid to the petitioners from the date of entitlement/retirement to the date of payment and to declare the action of respondents denying arrears of pay revision to the petitioners from 01.07.2021 to 30.11.2022, be declared null and void. Lastly, it is prayed that the respondents be directed to refix pay of the petitioners w.e.f. 01.01.2016 as per 6th Punjab Pay Commission and to pay the revised pay along with arrears from 01.01.2016 to 30.06.2021 and the respondents be directed to pay entire benefits along with interest @ 12% per annum.

After arguing the matter for some time, learned counsel for the petitioners wishes to withdraw the present petition with liberty to approach the controlling authority under the Payment of Gratuity Act for their claim with regard to the enhanced gratuity as per Amendment Act, 2018.

With regard to the second claim of refixation of their pay w.e.f. 01.01.2016 and arrears thereof, the petitioners seeks liberty to file a fresh petition on the said cause of action with better particulars.

Dismissed as withdrawn with aforesaid liberty.

(NAMIT KUMAR)
JUDGE

27.09.2024

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Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No