



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

1.LPA-1720-2017 (O&M)

The Senior Superintendent of Post Offices, Department of Posts and
Telegraphs, Hoshiarpur
....Appellant

Versus

Harkewal Singh and others
..Respondents

2.LPA-1751-2017 (O&M)

The Senior Superintendent of Post Offices, Department of Posts and
Telegraphs, Hoshiarpur
....Appellant

Versus

Tarsem Singh and others
..Respondents

3.LPA-1763-2017 (O&M)

The Senior Superintendent of Post Offices, Department of Posts and
Telegraphs, Hoshiarpur
....Appellant

Versus

Lamber Ram and others
..Respondents

4.LPA-1774-2017 (O&M)

The Senior Superintendent of Post Offices, Department of Posts and
Telegraphs, Hoshiarpur
....Appellant

Versus

Joginder Singh and others
..Respondents

5.LPA-1790-2017 (O&M)

The Senior Superintendent of Post Offices, Department of Posts and
Telegraphs, Hoshiarpur
....Appellant

Versus



Bidhi Chand and others
..Respondents

6.LPA-1923-2017 (O&M)

The Senior Superintendent of Post Offices, Department of Posts and
Telegraphs, Hoshiarpur
....Appellant
Versus

Mohinder Singh and others
..Respondents

7.LPA-1956-2017 (O&M)

The Senior Superintendent of Post Offices, Department of Posts and
Telegraphs, Hoshiarpur
....Appellant
Versus

M.K.Sidhu and others
..Respondents

8.LPA-1957-2017 (O&M)

The Senior Superintendent of Post Offices, Department of Posts and
Telegraphs, Hoshiarpur
....Appellant
Versus

Balwinder Kumar and others
..Respondents

9.LPA-1958-2017 (O&M)

The Senior Superintendent of Post Offices, Department of Posts and
Telegraphs, Hoshiarpur
....Appellant
Versus

Amar Chand and others
..Respondents

10.LPA-1998-2017 (O&M)

The Senior Superintendent of Post Offices, Department of Posts and
Telegraphs, Hoshiarpur
....Appellant

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Versus

Harbhajan Singh and others

..Respondents

11.LPA-2065-2017 (O&M)

The Senior Superintendent of Post Offices, Department of Posts and
Telegraphs, Hoshiarpur

....Appellant

Versus

Bakshi Ram and others

..Respondents

12.LPA-2066-2017 (O&M)

The Senior Superintendent of Post Offices, Department of Posts and
Telegraphs, Hoshiarpur

....Appellant

Versus

Mohan Ram and others

..Respondents

13.LPA-978-2018(O&M)

The Senior Superintendent of Post Offices, Department of Posts and
Telegraphs, Hoshiarpur

....Appellant

Versus

Ram Singh and others

..Respondents

Date of decision: 06.08.2024

**CORAM: HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE
 HON'BLE MR. JUSTICE ANIL KSHETARPAL**

**Present:- Mr. Piyush Khanna, Advocate for the appellant
 (in all the appeals)**

**SHEEL NAGU, CHIEF JUSTICE (Oral)**

CM-3711-LPA-2017 & CM-3712-LPA-2017 in LPA-1720-2017, CM-3771-LPA-2017 & CM-3772-LPA-2017 in LPA-1751-2017, CM-3791-LPA-2017 & CM-3792-LPA-2017 in LPA-1763-2017, CM-3811-LPA-2017 & CM-3812-LPA-2017 in LPA-1774-2017, CM-3839-LPA-2017 & CM-3840-LPA-2017 in LPA-1790-2017, CM-4179-LPA-2017 & CM-4180-LPA-2017 in LPA-1923-2017, CM-4246-LPA-2017 & CM-4247-LPA-2017 in LPA-1958-2017, CM-4351-LPA-2017 & CM-4352-LPA-2017 in LPA-1998-2017, CM-4519-LPA-2017 & CM-4520-LPA-2017 in LPA-2065-2017, CM-4522-LPA-2017 & CM-4523-LPA-2017 in LPA-2066-2017 and CM-2600-LPA-2018 in LPA-978-2018

For the reasons stated in the applications, which are duly supported by affidavits, delay in filing as well as re-filing the appeals is condoned.

Applications stand allowed.

CM-4860-LPA-2018 in LPA-1720-2017, CM-4851-LPA-2018 in LPA-1751-2017, CM-4861-LPA-2018 in LPA-1763-2017, CM-4869-LPA-2018 in LPA-1774-2017, CM-4858-LPA-2018 in LPA-1790-2017, CM-4849-LPA-2018 in LPA-1923-2017, CM-4843-LPA-2018 in LPA-1956-2017, CM-4850-LPA-2018 in LPA-1957-2017, CM-4859-LPA-2018 in LPA-1958-2017, CM-5055-LPA-2018 in LPA-2065-2017, CM-4842-LPA-2018 in LPA-2066-2017 and CM-2601-LPA-2018 in LPA-978-2018

Allowed as prayed for. Order dated 28.03.2017 passed by the learned Single Judge is taken on record.

Main appeals

1. By this common order, a bunch of 13 Letters Patent Appeals (mentioned above) shall stand disposed of.

2. The appellant (employer) in the present intra court appeals assail the judgment of the learned Single Bench dated 28.03.2017 passed in a bunch of petitions including **CWP-26514-2016** titled as '**Senior Superintendent of Post Offices vs. Harbhajan Singh and others**', whereby the learned Single Judge has dismissed the writ petitions of the



employer assailing the order of the Authority under the Payment of Gratuity Act, 1972 (hereinafter referred to as '1972 Act') as well as the Appellate Authority whereby the gratuity due to the private respondents under the '1972 Act' was directed to be paid by the employer.

3. Today, when these cases have come up for hearing, learned counsel for the employer (appellant) has produced before us a decision of the Apex Court rendered in '**Sr. Superintendent of Post Offices vs. Gursewak Singh and others**' 2019(15) SCC 292, wherein it has been observed as under:-

"9.4. Section 2(e) of the 1972 Act excludes persons who hold a post with the Central or State Government and are governed by any other Act or rules providing for payment of gratuity.

*Gramin Dak Sewaks are engaged as Extra Departmental Agents, a post governed by the 2011 Rules. **Superintendent of Post Officers v. PK Rajamma; (1977) 3 SCC 94** See also **Union of India v. Kameshwar Prasad; (1997) 11 SCC 650** These Rules have a separate provision for payment of Gratuity to the Extra Departmental Agents.*

A Gramin Dak Sewak is not an "employee" under the 1972 Act. The first issue is answered accordingly."

4. From the aforesaid law laid down by the Apex Court, it is obvious that it has been categorically held that Gramin Dak Sewak is not an employee as defined under Section 2 (e) of the '1972 Act' and therefore, the Gramin Dak Sewaks (private respondents) are not entitled to gratuity under the '1972 Act'. However, what is culled out from the law laid down by the Apex Court in **Sr. Superintendent of Post Offices's case (supra)** is that the Gramin Dak Sewaks may not be entitled to gratuity under the '1972 Act' but would be entitled to gratuity



as per the service rules and regulations as applicable to them i.e Gramin Dak Sewak (Conduct and Engagement) Rules, 2011.

5. In view of the above, when the law has been settled by the Apex Court, this Court disposes of all the present Letters Patent Appeals with the following directions:-

i) the order of the learned Single Judge dated 28.03.2017 and the orders passed by the Authority under the Payment of Gratuity Act, 1972 as well as the Appellate Authority are set aside.

ii) The respondents (employees) would, however, be entitled to the benefit of gratuity in terms of the provisions of the Gramin Dak Sewak (Conduct and Engagement) Rules, 2011, which if not released to the respondent employees be released with interest @ 6% per annum with effect from the date the gratuity became due.

iii) No costs.

(SHEEL NAGU)
CHIEF JUSTICE

(ANIL KSHETARPAL)
JUDGE

06.08.2024

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No