



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

Date of Decision : 05-05-2025

1. CWP-13942-2001 (O&M)

**BHAKRA BEAS MANAGEMENT BOARDPetitioner(s)
VERSUS
THE REGIONAL LABOUR COMMISSIONER (CENTRAL) AND
ORS.Respondent(s)**

2. CWP-7855-2002 (O&M)

**BHAKRA BEAS MANAGEMENT BOARDPetitioner(s)
VERSUS
THE REGIONAL LABOUR COMMISSIONER(CENTRAL) AND
ORS.Respondent(s)**

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Dinesh Ghai, Advocate and
Ms. Amita Arora, Advocate for the petitioner in
CWP No.13942 of 2001.

Mr. Tajender Kumar Joshi, Advocate with
Mr. Rampal Kohle, Advocate
for the petitioner in CWP No.7835 of 2002.

None for the respondents.

HARSIMRAN SINGH SETHI, J. (Oral)

1. In the present set of two petitions, the details of which are mentioned in the heading, the challenge is to the order passed by the concerned authorities under the Payment of Gratuity Act, 1972 (hereinafter referred to as 1972 Act) giving directions to the petitioner-Board to pay the respondent-Workmen, the gratuity which the respondent-Workmen were entitled under the 1972 Act.

2. Learned counsel for the petitioner(s) further submits that the respondent-Workmen were governed by certain Rules in respect of their

services rendered and they have been paid under the gratuity admissible under the governing the said Rules.

3. Learned counsel for the petitioner-Board further submits that once, the liability under the Rules have been discharged, the payment of gratuity under the 1972 Act, could not have been ordered by the Labour Commissioner.

4. I have heard learned counsel for the petitioners and have gone through the records of the present set of cases with their able assistance as no one has appeared on behalf of the respondents.

5. Once, the gratuity admissible to the respondent-Workmen under the 1972 Act was more beneficial, nothing stops the said employees to claim the benefit under the 1972 Act. Nothing evident has been brought on record that an employee cannot avail more beneficial option.

6. Further, the Rules are always subservient to the Act and once, the 1972 Act grants a particular benefit, the same cannot be denied under the guise of the Rules.

7. No other argument is raised.

8. Keeping in view the above, no ground is made out for any interference by this Court in the facts and circumstances of the present case.

9. Present set of petitions stands dismissed.

10. Copy of this order be placed on the file of other connected case.

11. Any civil miscellaneous application pending if any, also stands disposed of.

05-05-2025
Sapna Goyal

(HARSIMRAN SINGH SETHI)
JUDGE

NOTE: Whether speaking: YES
Whether reportable: NO