



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

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**CWP-11247-2019 (O&M)  
Decided on :22.04.2025**

THE PUNJAB AGRO FOODGRAINS CORPORATION LIMITED AND  
ANR . Petitioners

Versus

SATISH CHANDER AND OTHERS . . . Respondent

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

PRESENT: Mr. Anupam Singla, Advocate for the petitioners.

None for the respondents.

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**HARSIMRAN SINGH SETHI , J. (Oral)**

1. In the present petition, the prayer of the petitioner is that the appeal which has been filed against the order dated 27.04.2018 amended on 06.07.2018 (Annexure P-2 (colly)) passed by the controlling authority envisaged under the Payment of Gratuity Act, 1972, has been rejected by the Appellate Authority vide order dated 25.10.2018 (Annexure P-3) on the ground that the appeal filed by the petitioner is time barred as the appeal can only be filed within a period of 60 days whereas, the same was filed by the petitioner after the limitation provided.

2. Learned counsel for the petitioner argues that the order was passed by the Controlling authority on 27.04.2018 and the said order was sent to the parties concerned on 14.06.2018, but thereafter, as the order dated 27.04.2018, which was sent on 14.06.2018 was not correct, the same was amended/corrected on 06.07.2018 (Annexure P-2) and thereafter, on 28.08.2018, the appeal was preferred by the petitioner against the corrected order dated 06.07.2018 (Annexure P-2). Learned counsel for the petitioner further submits that once the aforementioned order passed by the Controlling

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Authority on 27.04.2018, was modified/corrected on 06.07.2018, the limitation will start from the date when the said order of the controlling authority dated 27.04.2018 was corrected, hence, the limitation of 60 days, was adhered to by the petitioner while filing the appeal on 28.08.2018. Learned counsel for the petitioner further submits that the order dated 25.10.2018 (Annexure P-3) passed by the appellate authority is without appreciating the correct facts which were brought on record and also noticed in the impugned order.

3. Notice of motion was issued on 01.05.2019 by the co-ordinate Bench of this Court, but not one has appeared on behalf of the respondents despite service.

4. I have heard learned counsel for the petitioner and have gone through the case file with his able assistance.

6. Once, the order passed by the controlling authority dated 27.04.2018 was modified/corrected on 06.07.2018 (Annexure P-2), the appeal which has been filed against the aforementioned corrected order of the controlling authority dated 06.07.2018, the limitation has to be started from the date when the order of the controlling authority was corrected i.e. 06.07.2018, hence, the appeal was preferred by the petitioner on 28.08.2018, the same was within the limitation period of 60 days.

7. The appellate authority while passing the impugned order dated 25.10.2018 (Annexure P-3) has not appreciated the order passed by the controlling authority dated 27.04.2018 which was sent to the parties on 14.06.2018 and was subsequently corrected/modified on 06.07.2018, the limitation has to start from the date when the order of the controlling authority was corrected i.e. on 06.07.2018 and not from 14.06.2018.

8. Keeping in view the facts and circumstances of the present case,

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the impugned order dated 25.10.2018 (Annexure P-3) passed by the Appellate Authority is set-aside and the case is remanded back to the appellate Authority to decide the appeal on merit, in accordance with law and by giving due opportunity to the parties concerned

9. The present petition is disposed of in above terms.
10. Pending civil miscellaneous application, if any, stands disposed of.

**(HARSIMRAN SINGH SETHI)**  
**JUDGE**

**22.04.2025**

*Riya*

*Whether speaking/reasoned:*      *Yes/No*  
*Whether Reportable:*              *Yes/No*