



CWP-9249-2001 (O&M) 1

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

(229)

CWP-9249-2001 (O&M)

Date of Decision : March 25, 2025

M/s International Engineering Corporation (Regd.) .. Petitioner

Versus

Inderjit Singh and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: None for the petitioner.

Mr. Prateek Mahajan, Advocate, with
Mr. Mayank Vashishth, Advocate, for respondent No.1.

HARSIMRAN SINGH SETHI J. (ORAL)

1. In the present writ petition, the challenge is to the order dated 29.06.2001 (Annexure P-3) and order dated 22.09.2000 (Annexure P-1) passed by the Controlling Authority under the Payment of Gratuity Act, 1972 (hereinafter referred as '1972 Act') wherein, the gratuity amount payable to respondent-workman was directed to be paid to him keeping in view the years spent in service which service the respondent No.1-workman has rendered upto 31.12.1997.

2. The present writ petition was filed by the petitioner-Corporation raising the claim that the respondent No.1-workman attained the age of superannuation in the year 1993 and therefore, the granting of the benefit of gratuity upto 31.12.1997 is not correct as the respondent-employee was working only on contractual basis after the respondent No.1-workman attained the age of superannuation in the year 1993.

**CWP-9249-2001 (O&M) 2**

3. Learned counsel for the respondent No.1-workman submits that under the 1972 Act, the number of years spent in service is to be taken into account and the status under which the respondent-employee worked, is not relevant hence, the grant of benefit of gratuity by the authorities exercising jurisdiction under the 1972 Act while passing the impugned order dated 29.06.2001 (Annexure P-3) is perfectly valid.

4. Learned counsel for respondent No.1-workman further submits that even date of birth which was being taken into account as 1935, was disbelieved and respondent No.1-workman was held to be born in the year 1938 according to which, the date of retirement is 31.12.1996.

5. I have heard learned counsel for respondent No.1 and have gone through the record with his able assistance.

6. A bare perusal of the impugned order would show that the number of years the respondent-workman rendered his service is not disputed and wrongly the status of the respondent No.1-workman was being disputed as the petitioner-Corporation is contending that from the year 1993 to 1997, the respondent No.1-workman was working on contractual basis whereas, the respondent No.1-workman is submitting that his date of birth was 1938 and therefore, he attained the age of superannuation on 31.12.1996.

7. A bare perusal of the provisions of the 1972 Act would show that only the number of years an employee renders his/her service is to be looked into and not the status while deciding upon the benefit of gratuity admissible to a workman. Once the status of workman is not to be looked into while deciding the benefit admissible to the workman and it is a

**CWP-9249-2001 (O&M) 3**

conceded position that the respondent No.1-workman had worked upto 31.12.1997, the authorities while passing the impugned order have rightly exercised the jurisdiction so as to grant the benefit of gratuity upto to 31.12.1997.

8. Even otherwise, the contention of the petitioner-Corporation that the respondent No.1-workman attained the age of superannuation in the year 1993 has rightly been disbelieved by the respondents and the petitioner has already brought on record the record available in the Provident Fund Scheme wherein, the date of birth of the respondent-employee has been noticed as 1938 and not 1935.

9. Keeping in view the totality of the circumstances, the order dated 29.06.2001 (Annexure P-3) and order dated 22.09.2000 (Annexure P-1) passed by the authorities concerned is not perverse.

10. The writ petition is accordingly dismissed.

11. The amount which is still to be paid to the respondent No.1-workman be released within a period of eight weeks from the date of receipt of copy of this order.

12. Civil miscellaneous application pending if any, also stands disposed of.

March 25, 2025
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No