



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.**

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**LPA-2749-2025 (O&M).
Date of Decision: 10.11.2025.**

Lok Deep Public School

....Appellant.

VERSUS

Appellate Authority under Payment of Gratuity Act and others

....Respondents.

**CORAM : HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL
HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present: Mr. Gaurav Singla, Advocate for the appellant.

ANUPINDER SINGH GREWAL, J. (Oral)

CM-6910 AND 6909-LPA-2025

Prayer in these applications is for condonation of delay of 27 days in filing and 73 days in re-filing the appeal respectively.

Heard.

For the reasons stated in the applications, the same are allowed and delay of 27 days in filing and 73 days in re-filing the appeal is condoned.

CM-6911-LPA-2025

Exemption application is allowed, as prayed for.

LPA-2749-2025 (O&M)

The appellant has challenged the judgment of the Single Bench dated 10.02.2025, whereby the writ petition challenging *inter alia* the order of the Controlling Authority directing payment of gratuity to respondent No.3, has been dismissed.

2. Learned counsel for the appellant submits that respondent No.3 did not work for a period of five years as there was a break in service for three months in 2019 and therefore, she could not have been paid gratuity for five years.

3. Heard.

4. Respondent No.3 was working as a PRT English Teacher with the appellant-School. She had sought gratuity for a period of five years as she is stated to have worked from 01.05.2014 to 28.12.2021. It was the case of the appellant that there was a gap of three months as she had left service on 31.01.2019 and rejoined on 01.05.2019. The Controlling Authority vide order dated 28.02.2024 had directed the appellant to pay respondent No.3 gratuity for a period of five years. The appeal preferred thereagainst had been dismissed by the Appellate Authority on 28.08.2024. We are in agreement with the judgment of the Single Bench that as respondent No.3 had worked for a period of 240 days in the calendar year 2019, the period of break ought to be ignored. The appellant has also not led any evidence that respondent No.3 did not work for 240 days in 2019. The Single Bench has relied upon the judgment of the Supreme Court in the case of **Mohd. Ali vs. State of H.P., (2018) 15 SCC 641**, wherein it has been held that if an employee has worked for 240 days in a calendar year, it has to be considered as a complete year. Relevant extract of the judgment is reproduced hereunder:-

“9. It is a well known fact that the Industrial Disputes Act is a welfare legislation. The intention behind the enactment of this Act was to protect the employees from arbitrary retrenchments. For this reason only, in a case of retrenchment of an employee who has worked for a year or more, Section 25F

provides a safeguard in the form of giving one month's prior notice indicating the reasons for retrenchment to the employee and also provides for wages for the period of notice. Section 25B of the Act provides that when a person can be said to have worked for one year and the very reading of the said provisions makes it clear that if a person has worked for a period of 240 days in the last preceding year, he is deemed to have worked for a year. The theory of 240 days for continuous service is that a workman is deemed to be in continuous service for a period of one year, if he, during the period of twelve calendar months preceding the date of retrenchment has actually worked under the employer for not less than 240 days."

5. There is no dispute that the appellant had worked continuously from 01.05.2019 till 28.12.2021 except for the afore-noted break, which has rightly been ignored in the judgment by the Single Bench. We, therefore, do not find any illegality in the judgment of the Single Bench and consequently, the Letters Patent Appeal, being devoid of any merit, stands dismissed.

6. Pending application(s), if any, also stands disposed of.

(ANUPINDER SINGH GREWAL)
JUDGE

(DEEPAK MANCHANDA)
JUDGE

10.11.2025
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Whether speaking/ reasoned	:	Yes/ No
Whether Reportable	:	Yes/ No