



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

248 (4 cases)

**CWP-13409-2019
Date of decision:01.05.2025**

SENIOR SUPERINTENDENT OF POST OFFICES ...Petitioner

Versus

BALDEV RAJ AND OTHERS ...Respondents

(2) CWP-13415-2019

SENIOR SUPERINTENDENT OF POST OFFICES ...Petitioner

Versus

SURINDER KUMAR AND OTHERS ...Respondents

(3) CWP-13507-2019

SENIOR SUPERINTENDENT OF POST OFFICES ...Petitioner

Versus

SURINDER KAUR AND OTHERS ...Respondents

(4) CWP-14677-2019

SENIOR SUPERINTENDENT OF POST OFFICES ...Petitioner

Versus

DILBAG SINGH AND OTHERS ...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

**Present: Mr. Piyush Khanna, Advocate
for the petitioner(s).**

None for the respondents.



HARSIMRAN SINGH SETHI, J. (ORAL)

1. By this common order, four writ petitions, the details of which have been given in the heading of the order, are being disposed of as all these petitions involve the same question of law on similar facts. For the sake of convenience, facts are taken up from **CWP-13409-2019**.

2. The present petition has been filed challenging the order dated 11.01.2018, passed by the Controlling Authority under the Payment of Gratuity Act, 1972, the copy of which has been appended as Annexure P-2 as well as the order dated 02.11.2018 (Annexure P-4), passed by the Appellate Authority under the 1972, Act by which the Gramin Dak Sewaks, who were working with the petitioner, were held to be entitled for the grant of gratuity and a direction was given to petitioner to release the same.

2. Learned counsel for the petitioner argues that the issue raised in the present bunch of petitions has already attained finality and the same has been decided by the Hon'ble Supreme Court of India in ***Civil Appeal No.3150-2019 decided on 15.03.2019, titled as 'Senior Superintendent of Post Office versus Gursewak Singh and others'***. Learned counsel for the petitioner submits that as per the judgment of Hon'ble Supreme Court of India, the Gramin Dak Sewaks are departmental agents outside civil service and are thus not entitled for benefit of gratuity.

4. No one appears on behalf of the respondents.

5. I have heard learned counsel for the petitioner and have gone through the records of this case with his able assistance.

6. The only issue, which has been raised in the present petition is that whether the Gramin Dak Sewaks are entitled for the benefit of gratuity,



which benefit has been directed to be paid to respondent-Gramin Dak Sewak by the authorities envisaged under 1972, Act. The issue raised has already been decided by the Hon'ble Supreme Court of India in ***Gursewak Singh's case (supra)***. The Hon'ble Supreme Court of India has held that the Gramin Dak Sewaks are only the departmental agents and worked outside the Civil Service of Union and are thus not entitled for benefit of the gratuity. The relevant paragraphs of the said judgment are as under:

9.3. Section 4 of the 1972 Act, states that "Gratuity shall be payable to an employee".

The term 'employee' is defined by Section 2(e) of the 1972 Act, as under:

"2. Definitions.- In this Act, unless the context otherwise requires,-

(e) "employee" means any person (other than an apprentice) who is employed for wages, whether the terms of such employment are express or implied, in any kind of work, manual or otherwise, in or in connection with the work of a factory, mine, oilfield, plantation, port, railway company, shop or other establishment to which this Act applies, but does not include any such person who holds a post under the Central Government or a State Government and is governed by any other Act or by any rules providing for payment of gratuity;"

(emphasis supplied)

Section 2(e) of the 1972 Act, however specifically excludes persons who are governed by any Act, or Rules providing for payment of Gratuity.

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 Sewaks is not an "employee" under the 1972 Act. The first issue is answered accordingly.

7. Once, the Gramin Dak Sewaks, are held by the Apex Court not to be treated as an employee under the 1972 Act, the benefit of gratuity could not be granted to them. The orders which have been passed by the authorities exercising jurisdiction under 1972 Act, impugned in these writ petitions, are accordingly set aside being contrary to the settled principle of law notice hereinbefore.
8. A photocopy of this order be placed on the file of other connected cases.

(HARSIMRAN SINGH SETHI)
JUDGE

May 01, 2025
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Whether speaking/reasoned	Yes
Whether reportable	No