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

Date of Decision : 12-05-2025

1.

CWP-13320-2025

DESH BHAGAT POLYTECHNIC COLLEGE AND ANR**.....Petitioner(s)****VERSUS****SARABJIT SINGH AND ANR****.....Respondent(s)**

2.

CWP-13322-2025

DESH BHAGAT POLYTECHNIC COLLEGE AND ANR**.....Petitioner(s)****VERSUS****MANMOHAN SINGH AND ANR****.....Respondent(s)****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Shubham Bhardwaj, Advocate with
Ms. Varda, Advocate for the petitioners.

HARSIMRAN SINGH SETHI, J. (Oral)

1. Present set of two writ petitions involve common question of law in the context of common set of facts and thus they are being decided by a common order.

2. In the present set of petitions, the challenge is to the order dated 29.03.2023, copy of which has been appended as Annexure P-5 by which the authorities exercising jurisdiction under the Payment of Gratuity Act, 1972 (for short 1972 Act) have taken into account the Academic Grade Pay for the purpose for calculating the benefit of Gratuity admissible to respondent employee which act on the part of the said authorities is wrong and arbitrary.

3. Learned counsel for the petitioners submits that while calculating the entitlement admissible to the respondent-employee, not only the Basic Pay but even the Academic Grade Pay given has been taken into account.

4. Learned counsel for the petitioners submits that the Academic Grade Pay could not have been taken into account for the purpose of calculating benefit of gratuity admissible to respondent-employee.

5. It should be noted that once, the Academic Grade pay is given to all the employees as a part of the post, the same is to be treated as a part of the Basic Pay so as to calculate the entitlement under the 1972 Act. The Academic Grade Pay is not an allowance but an entitlement of the employee working against a particular post. The allowances have not been included but as, the Academic Grade Pay is not the allowance but an entitlement, the inclusion of the same for calculation of the benefit of gratuity admissible to respondent-employee, cannot be treated as arbitrary or illegal.

6. No other argument is raised.

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

8. Present petitions stands dismissed.

9. Photocopy of this order be placed on the file of other connected case.

12-05-2025
Sapna Goyal

(HARSIMRAN SINGH SETHI)
JUDGE

NOTE: Whether speaking: YES
Whether reportable: NO