

CWP-13917-2025
Date of Decision: 20.05.2025

ARVINDER SINGH AND OTHERS ... PETITIONERS
VS.
HINDUSTAN MACHINES TOOLS LTD. AND OTHERS
... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Anand Singh, Advocate,
for the petitioners.

HARSIMRAN SINGH SETHI, J.(ORAL)

In the present petition, the challenge is to the order passed by the Appellate Authority envisaged under the Payment of Gratuity Act by which, the appeal filed by the petitioner has been dismissed on the ground of non-maintainability as the same has been filed after the maximum period of limitation prescribed.

2. Learned counsel for the petitioner argued that though, there has been a delay in filing for appeal but, as the employees are claiming benefit of interest, the said fact should have been taken into consideration by appellate authority that whether the appeal filed by the petitioner claiming the benefit of interests was required to be adjudicated on merits or not

3. I have heard learned counsel for the petitioner and gone through the record with his able assistance.

4. It is settled principle of law that the appeal can only be entertained in case, the same is permissible to be decided on merits keeping in view the prescribed limitation period. It is conceded fact that the limitation to file the appeal is 60 days and the jurisdiction to condone the

delay of another 60 days has been given to the Appellate Authority. Beyond the said period, no such power exists with the Appellate Authority.

5. In the present case, the impugned orders were passed by the Controlling Authority envisaged under the Payment of Gratuity Act, 1972 in the year 2020 whereas the appeal was filed after a period of five years. That being so, the appeal filed was beyond the prescribed limitation period and no jurisdiction existed with the Appellate Authority to condone the same. The reliance can be placed upon the judgment passed by this Court in CWP-1121-2025 titled as '**Bank of Baroda Vs. Union of India and Ors**', according to which, once the maximum period of limitation which can be condoned expires, the appeal cannot be considered on merits.

6. Learned counsel for the petitioner has not been able to rebut the said principle of law.

7. No ground is made out to interfere in the present petition.

8. Dismissed in *limine*.

(HARSIMRAN SINGH SETHI)
JUDGE

20.05.2025
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Whether speaking/reasoned : Yes
Whether Reportable : No