



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

CR-3410-2025

Date of decision:24.09.2025

M/S ADVANCED MICRODEVICES PRIVATE LIMITED
THROUGH ITS MANAGING DIRECTOR

...Petitioner

versus

ANKUSH GARG AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Rajeev Godara, Advocate
for petitioner.

PARMOD GOYAL, J. (ORAL)

1. Petitioner is aggrieved by impugned order dated 02.04.2025 (Annexure P/5) passed by Controlling Authority, under The Payment of Gratuity Act, 1972, Ambala, Haryana. Petitioner's application dated 25.11.2024 for re-framing/framing of additional issues arising from written statement filed by petitioner was dismissed vide impugned order. Learned Counsel for petitioner has argued that while dismissing the application, the learned authority has wrongly decided the defence of petitioner, finally causing great prejudice to it.

2. In present case, the applicant/respondent No.1 in his application for payment of gratuity has asserted that he has worked under petitioner from 02.01.2017 and resigned from his job on 11.02.2023. Respondent No.1 claimed that despite leaving his employment on 11.02.2023 with the petitioner, the amount payable as gratuity is not paid to him. The application for payment of gratuity was filed on 18.08.2023 and notices were issued to petitioner on 24.08.2023.

3. Case of petitioner on the other hand is that relationship of employer and employee never came to an end. Petitioner had duly issued a show cause notice dated 22.08.2023 to respondent No.1 for his misconduct and therefore no gratuity was payable.

4. After filing of written statement by petitioner, following issues were framed by learned Controlling Authority:-

- "i Whether there is the relationship of employer and employee between the respondent and petitioner?*
- ii. Whether the present application is maintainable or not?*
- iii. Whether the petitioner is entitled for Payment of Gratuity as prayed?*
- iv. Relief."*

5. After framing of issues petitioner had preferred an application dated 25.11.2024 seeking re-framing/framing of additional issues. In written statement, it was the specific plea of petitioner that relationship of employer and employee still exists and therefore show cause notice was issued and in view of subsisting relationship between the parties and pendency of show cause notice, no gratuity is payable.

6. On consideration, I do not find any error in the impugned order dated 02.04.2025 (Annexure P-5). Issue No.1 and issue No.3, noted above clearly covers defences taken by petitioner. In case issue No.1 is decided in favour of employee holding that employee has ceased to be an employee under petitioner then the consequences therefrom shall follow in favour of petitioner or in favour of respondent No.1, accordingly. Therefore, no fresh issue is required to be framed. Furthermore, petitioner is free to show that respondent No.1-employee is not entitled to payment

of gratuity under issue No.3.

7. Therefore, no additional issues are required to be framed. No fault with the impugned order can be found. However, it is made clear that observation made in order dated 02.04.2025 shall be considered to have been made only for deciding of application dated 25.11.2024. The observation shall not bar the petitioner to raise all his defences in accordance with law before the authority concerned.

8. Revision petition is accordingly disposed of.

(PARMOD GOYAL)
JUDGE

24.09.2025
Sunil Chander