



CWP-16341-2025

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

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CWP-16341-2025

Date of Decision :29.05.2025

M/s Saluja Motors Pvt. Ltd.

...Petitioner

Versus

**The Appellate Authority, Payment of Gratuity
Act, 1972 and others**

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. R.D. Gupta, Advocate with Mr. Viresh Dahiya, Advocate
for the petitioner.

* * *

Harsimran Singh Sethi, J. (Oral)

1. In the present petition, the grievance being raised by the petitioner-company is that the impugned orders dated 18.02.2025, 09.04.2024 and 04.07.2023 (Annexures P/16, P/14 & P/11 respectively) have been passed by the authority envisaged under the Payment of Gratuity Act, 1972 (hereinafter referred to as '1972 Act') without noticing the stand of the petitioner-company to the effect that respondent No.3-workman was never appointed in the year 1998 rather he was only appointed in the year 2008 and worked till 2017 for which period the benefit of gratuity has already been released in his favour.

2. Learned counsel for the petitioner-company submits that the benefit of gratuity admissible to the respondent No.3-workman has already been released but the said fact has been ignored by the authorities concerned



while passing the impugned order imposing more liability upon the petitioner-company qua the said benefit of gratuity on the ground that the workman has been working with the company since 1998 and not 2008.

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

4. The respondent No.3-workman had approached the controlling authority envisaged under the 1972 Act for the grant benefit of gratuity in which application he had submitted that he was appointed in the year 1998 and had continued working with the petitioner-company till 2017, but he has not been paid total gratuity he is entitled to by the petitioner. Upon notice, the petitioner-company appeared before the authorities concerned and thereafter stopped appearing in the proceeding due to which, the petitioner-company was proceeded ex-parte.

5. The matter does not end here. During the pendency of the proceedings before the authority envisaged under the 1972 Act, an application was filed by the petitioner-company for recalling the ex-parte order but the said application was also dismissed in default, which order also remains intact even as of now.

6. Keeping in view the facts and evidence which had come on record where the date of joining of the respondent No.3-workman has been proved to be in the year 1998 on the basis of the documents Mark-B and Mark-C, the benefit of gratuity has been granted by treating the workman to be in service from 1998 instead of 2008 as was being alleged by the petitioner-company herein.

7. Once, the documents produced by the workman to prove the

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date of appointment as 1998 have gone un rebutted and the non-rebuttal of the same is due to inaction on the part of the petitioner-company, now at this stage, the crystallized right cannot be taken away from the respondent No.3-workman so as to give another opportunity to the petitioner-company to present the documents before the authority concerned so as to put forth their claim. Once, an opportunity was given to the petitioner, the same was not availed and qua the same an application was moved for setting aside the ex parte proceedings which was also dismissed in default shows how diligent the petitioner-company was before the authorities concerned.

8. Keeping in view the facts and circumstances recorded hereinbefore, as the findings which have been recorded by the authorities concerned are based upon the evidence and documents on record, no ground for interference by this Court is made out and the writ petition is accordingly dismissed.

May 29, 2025
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No