



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**
109+113

Decided on :31.07.2025

- 1. CM-10517-CWP-2025 in/and
CWP-23208-2022 (O&M)**

THE PUNJAB STATE COOPERATIVE SUPPLY AND MARKETING
FEDERATION . .Petitioner

Versus

RAMESH KUMAR AND OTHERS

. . . Respondents

- 2. CWP-21762-2025 (O&M)**

PUNJAB STATE COOPERATIVE SUPPLY AND MARKETING
FEDERATION LIMITED . .Petitioner

Versus

JOGINDER SINGH AND OTHERS

. . . Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

PRESENT: Mr. Vikas Singh, Advocate with
Ms. Anamika Sheoran, Advocate for the petitioner.

HARSIMRAN SINGH SETHI, J. (Oral)

**CM-10517-CWP-2025 in/and
CWP-23208-2022**

Present application has been filed for recalling the order dated
05.05.2025, by which, the present writ petition was dismissed for non-



**CWP-23208-2022 (O&M) and
connected cases**

-2-

prosecution.

Keeping in view the averments made in the application, which are duly supported by an affidavit, the same is allowed.

Consequently, the order dated 05.05.2025 is recalled and the writ petition is restored to its original number and status and the main writ petition is taken up for hearing today itself.

**CWP-23208-2022
CWP-21762-2025**

1. By this common order, above mentioned writ petitions are being disposed of as all the writ petitions involve the same question of law on similar facts. The facts are being taken from **CWP-23208-2022**.
2. Learned counsel for the petitioner argues that in the present petition, the challenge is to the impugned award dated 21.11.2019 (Annexure P-2) and 21.06.2021 (Annexure P-4) passed by the authority envisaged under the Payment of Gratuity Act, 1972 (herein after referred to 1972 Act), wherein a direction has been given to grant the respondent- workman the gratuity by taking into account the maximum ceiling limit upto Rs. 10 lakhs instead of Rs. 3.5 Lakhs.
3. Learned counsel for the petitioner argues that there was a delay at the hands of the employees concerned in approaching the authority envisaged under 1972 Act, and therefore, without appreciating the said fact, the benefit of gratuity on a higher ceiling of Rs. 10 lakhs has been granted in the favour of the respondent-workman, which is incorrect.
4. Further, the assertions has been made on behalf of the petitioner that the gratuity, amount made admissible to the employees concerned has



**CWP-23208-2022 (O&M) and
connected cases**

-3-

not been calculated in a correct manner and therefore, the benefit of gratuity awarded to the respondent- workman by the authorities exercising the jurisdiction under 1972 Act may kindly be set-aside.

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

6. Learned counsel for the petitioner has not been able to dispute the fact that the question qua grant of gratuity on the higher ceiling of Rs. 10 Lakhs w.e.f. 01.01.2006 has already been decided by the Co-ordinate Bench of this Court in **CWP-15363 of 2011** titled as **“Nathu Ram and others versus State of Punjab and others, decided on 31.10.2014”**, which case also relates to the **MARKFED** i.e. the petitioner. In the said case, the findings have been recorded keeping in view the resolution passed by the **MARKFED** that the gratuity at the higher ceiling of Rs. 10 Lakhs will be available to the employees who retired after 01.01.2006. That being so, the claim of the workman for the grant of gratuity on the higher ceiling of Rs. 10 lakhs cannot be treated as arbitrary, illegal and contrary to the settled principle of law.

7. Further, the argument of the learned counsel for the petitioner is that there is a delay in approaching the authority envisaged under 1972.

8. It may be noticed that the judgment passed in **CWP-15363 of 2011- Nathu Ram’s case (supra)** came into being on 31.10.2014 after which, the right of the employees to claim the gratuity on the higher ceiling of Rs. 10 lakhs qua the employees who were retired on 01.01.2006 came into being and thereafter, the respondents workman also claimed the said benefit which is perfectly valid and legal, hence, it cannot be said that there is a delay in approaching the authority envisaged under 1972.



**CWP-23208-2022 (O&M) and
connected cases**

-4-

9. The last question which has been raised by the learned counsel for the petitioner herein is qua the calculation of the entitlement of gratuity amount payable to the employee concerned upon his/her retirement, even under the maximum limit of Rs. 10 lakhs, has not been calculated in a correct manner by the Controlling authority. This Court will not dwelve into the said aspect. In case, the petitioner is feeling aggrieved qua the miscalculation of entitlement of the employees concerned, liberty is given to the petitioner to approach the Controlling authority with regard to correction of the said order qua the actual entitlement of the employee concerned by way of filing of an appropriate application.

10. In case, any such application is filed by the petitioner, the Controlling authority/appellate authority as the case may be, will deal with the same in accordance with law by passing appropriate speaking order by giving due opportunity of hearing to the employee concerned as well.

11. The present petition is disposed of in above terms.

12. Pending civil miscellaneous application, if any, stands disposed of.

13. A photocopy of this order be placed on the file of connected case.

**(HARSIMRAN SINGH SETHI)
JUDGE**

31.07.2025

Riya

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No