



CWP-35045 of 2024

1

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

115

CWP-35045 of 2024

Date of Decision:27.01.2025

Managing Director, Meham Co-operative Sugar Mill Limited Meham**....Petitioner****Versus****Appellate Authority under the Payment of Gratuity Act, 1972, Rohtak
and others****.....Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI***********

Present: Mr. S.K. Verma, Advocate,
for the petitioner.

***********HARSIMRAN SINGH SETHI, J. (Oral)**

1. Learned counsel for the petitioner submits that the finding which has been recorded by the authority concerned under the Payment of Gratuity Act, 1972 that the respondent No.3 employee had worked for more than 240 days even while working as a seasonal worker and will be entitled for gratuity for a period of 15 days per completed year instead of 7 days which is admissible to a seasonal employee, is incorrect. He also submits that in the present case the respondent employee had not worked for 240 days and the finding is incorrect.

2. Learned counsel for the petitioner was asked to point out any such fact on the record before the authority concerned qua non-completion of 240 days by the respondent employee, learned counsel for the petitioner has



CWP-35045 of 2024 2

not been able to point out but submits, that the record of the respondent No.3 employee is available with the petitioner institute so as to prove that he had not completed 240 days in each year of working so as to get the gratuity of 15 days of each completed year instead of 7 days.

3. Keeping in view the fact, the disputed questions of fact are mentioned. In case, the petitioner is of the view that the respondent employee has not completed 240 days and the petitioner has the records to prove the same, let the petitioner approach the authority concerned under the Payment of Gratuity Act, 1972 for the review of the same alongwith the evidence to prove that the respondent No.3 employee had not completed 240 days.

4. The present petition is disposed of with a liberty to the petitioner to approach the authority concerned under the Payment of Gratuity Act, 1972 for review of the order, in case the petitioner has any material to prove that the findings were recorded in the order is factually incorrect.

(HARSIMRAN SINGH SETHI)
JUDGE

January 27, 2025
dinesh

Whether speaking	:	Yes/No
Whether reportable	:	Yes/No