



LPA-1226-2025 (O&M)
and other connected cases

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

(114)

LPA-1226-2025 (O&M)

The Punjab State Cooperative Supply & Marketing Federation Ltd.
... Appellant

Versus

Appellate Authority under the Payment of Gratuity Act and others

... Respondents

LPA-1182-2025 (O&M)

The Punjab State Cooperative Supply & Marketing Federation Ltd. and another

... Appellants

Versus

Appellate Authority under the Payment of Gratuity Act and others

... Respondents

LPA-1312-2025 (O&M)

Managing Director, The Punjab State Cooperative Supply & Marketing
Federation Ltd.

... Appellant

Versus

Uttam Singh and others

... Respondents

LPA-1344-2025 (O&M)

The Punjab State Cooperative Supply & Marketing Federation Ltd.

... Appellant

Versus

Shyam Lal and others

... Respondents



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(140)

LPA-1544-2025 (O&M)

The Punjab State Cooperative Supply & Marketing Federation Ltd.
... Appellant
Versus

Appellate Authority under the Payment of Gratuity Act and others
... Respondents

LPA-1739-2025 (O&M)

The Punjab State Cooperative Supply & Marketing Federation Ltd.
... Appellant
Versus

Gurdev Singh and others
... Respondents

LPA-1750-2025 (O&M)

The Punjab State Cooperative Supply & Marketing Federation Ltd.
... Appellant
Versus

Pawan Kumar Sehgal and others
... Respondents

LPA-1819-2025 (O&M)

The Punjab State Cooperative Supply & Marketing Federation Ltd.
... Appellant
Versus

Jugraj Singh and others
... Respondents

LPA-1979-2025 (O&M)

The Punjab State Cooperative Supply & Marketing Federation Ltd.
... Appellant
Versus

Hanbans Kaur and another



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... Respondents

(145)

LPA-1342-2025 (O&M)

The Punjab State Cooperative Supply & Marketing Federation Ltd. and another

... Appellants

Versus

Janesh Kumar and others

... Respondents

LPA-1343-2025 (O&M)

The Punjab State Cooperative Supply & Marketing Federation Ltd.

... Appellant

Versus

Raghubir Singh and others

... Respondents

Date of decision : 27.08.2025

CORAM : HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL
HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present:- Mr. Vikas Singh, Advocate for the appellant(s).

Mr. Deepak Bhardwaj, Addl.A.G., Haryana.

Anupinder Singh Grewal, J. (Oral)

CM-3009-LPA-2025 in LPA-1226-2025 (08 days delay in filing) along with applications seeking condonation of delay in connected cases

For the reasons stated in the application, the applications are allowed and delay in filing the appeals is condoned.

CM-3008-LPA-2025 in LPA-1226-2025 (76 days delay in re-filing) along with applications seeking condonation of delay in connected cases

For the reasons stated in the application, the applications are allowed and delay in re-filing the appeals is condoned.



Main appeals

1. By this common order the aforementioned Letters Patent Appeal(s) are being decided. For the sake of convenience, the facts have been taken from LPA-1226-2025.
2. The appellant-employer has impugned the judgment of the Single Bench dated 13.11.2024 whereby the writ petitions challenging the orders passed by the Controlling Authority as well as the Appellate Authority have been dismissed.
3. Learned counsel for the appellant submits that although the appellant had preferred an appeal after the period of limitation but the delay ought to have been condoned as sufficient cause for condonation of delay had been made out.
4. Heard.
5. The private respondents were working with the appellant on Class-III and Class-IV posts. They had retired from service and had been paid gratuity but sought higher amount. Aggrieved by the action of the appellant in not paying gratuity as claimed by the private respondents-employees, they had preferred an application before the Competent Authority under Sections 4 & 7 of the Payment of Gratuity Act, 1972 (for short, 'the Act') seeking directions to the appellant to pay the balance amount of gratuity along with interest. The Competent Authority had allowed the application vide order dated 11.01.2018 (Annexure P-1) and directed that the respondents-employees would be entitled to receive an additional sum of Rs.1,67,262/- along with 10% interest thereon.



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6. Aggrieved thereagainst, the appellant had preferred an appeal before the Appellate Authority but the same was dismissed vide order dated 26.10.2018 (Annexure P-2) being time barred as the appeal was preferred 122 days after the order had been passed by the competent authority and the Appellate Authority does not have power to condone the delay beyond 60 days.

7. It is provided in Section 7 of the Act that the appeal before the Appellate Authority is to be filed within 60 days and if sufficient cause is shown for the delay in preferring an appeal, another period of 60 days can be condoned by the Appellate Authority. In other words, an appeal could be filed within 60 days which could be extended by another 60 days to a total period of 120 days, if sufficient cause is shown. The appellant had preferred the appeal beyond the period of 120 days.

8. The Single Bench has relied upon the judgment of the Supreme Court in the case of **Assistant Commissioner(CT) LTU, Kakinada and others versus Glaxo Smith Kline Consumer Health Care Limited, (2020) 19 SCC 681** wherein it has been held that the High Court in exercise of its writ jurisdiction cannot disregard the statutory period for redressal of the grievance and entertain the writ petition as a matter of course. Such an approach would render the legislative scheme and intention behind the stated provision otiose. The relevant extract of the judgment is reproduced hereunder:-

“We may now revert to the Full Bench decision of the Andhra Pradesh High Court in Electronics Corporation of India Ltd. (supra), which had adopted the view taken by the Full Bench of the Gujarat High Court in Panoli Intermediate (India) Pvt. Ltd. vs. Union of India & Ors.¹⁹ and also of the Karnataka High Court in [Phoenix Plasts Company vs. Commissioner of Central Excise \(Appeal\), Bangalore](#). The logic applied



in these decisions proceeds on fallacious premise. For, these decisions are premised on the logic that provision such as [Section 31](#) of the 1995 Act, cannot curtail the jurisdiction of the High Court under [Articles 226](#) and [227](#) of the Constitution. This approach is faulty. It is not a matter of taking away the jurisdiction of the High Court. In a given case, the assessee may approach the High Court before the statutory period of appeal expires to challenge the assessment order by way of writ petition 19 AIR 2015 Guj 97 20 2013 (298) ELT 481 (Kar.) on the ground that the same is without jurisdiction or passed in excess of jurisdiction by overstepping or crossing the limits of jurisdiction including in flagrant disregard of law and rules of procedure or in violation of principles of natural justice, where no procedure is specified. The High Court may accede to such a challenge and can also non-suit the petitioner on the ground that alternative efficacious remedy is available and that be invoked by the writ petitioner. However, if the writ petitioner choses to approach the High Court after expiry of the maximum limitation period of 60 days prescribed under [Section 31](#) of the 2005 Act, the High Court cannot disregard the statutory period for redressal of the grievance and entertain the writ petition of such a party as a matter of course. Doing so would be in the teeth of the principle underlying the dictum of a three-Judge Bench of this Court in [Oil and Natural Gas Corporation Limited](#) (supra). In other words, the fact that the High Court has wide powers, does not mean that it would issue a writ which may be inconsistent with the legislative intent regarding the dispensation explicitly prescribed under [Section 31](#) of the 2005 Act. That would render the legislative scheme and intention behind the stated provision otiose.”

9. In view of the aforementioned facts and circumstances of the case especially when the Single Bench has relied upon the judgment of the Supreme Court in the case of **Glaxo Smith Kline Consumer Health Care Limited(supra)** while dismissing the writ petitions, we do not find any



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infirmity or perversity in the judgment of the Single Bench warranting interference in the appeal.

10. Consequently, all the above-mentioned Letters Patent Appeals being devoid of merit stand dismissed. All miscellaneous application(s) shall stand disposed of accordingly.

(ANUPINDER SINGH GREWAL)
JUDGE

(DEEPAK MANCHANDA)
JUDGE

August 27, 2025
sonia gugnani

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