HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition (M/S) No. 362 of 2025

Oil and Natural Gas Corporation ...Petitioner

Versus

Dharam Singh Pundir and another ....Respondents

With

Writ Petition (M/S) No. 363 of 2025

Oil and Natural Gas Corporation ...Petitioner

Versus

Rakhee Chhetri and another ....Respondents

Writ Petition (M/S) No. 364 of 2025

Oil and Natural Gas Corporation ...Petitioner

Versus

Indu Devi and another ....Respondents

Writ Petition (M/S) No. 365 of 2025

Oil and Natural Gas Corporation ...Petitioner

Versus

Jagdish Singh Gusain and another ....Respondents

Writ Petition (M/S) No. 366 of 2025

Oil and Natural Gas Corporation ...Petitioner

Versus

Moni Devi and another ....Respondents

Writ Petition (M/S) No. 367 of 2025

Oil and Natural Gas Corporation ...Petitioner

Versus

Ganga Singh Negi and another ....Respondents

Writ Petition (M/S) No. 368 of 2025

Oil and Natural Gas Corporation ...Petitioner

Versus

Hari Singh Rawat and another ....Respondents

Writ Petition (M/S) No. 369 of 2025

Oil and Natural Gas Corporation ...Petitioner

Versus

Gyan Chand and another ....Respondents

Writ Petition (M/S) No.370 of 2025

Oil and Natural Gas Corporation ...Petitioner

Versus

Surya Bahadur Gurung and another ....Respondents

Writ Petition (M/S) No. 371 of 2025

Oil and Natural Gas Corporation ...Petitioner

Versus

Inder Singh and another ....Respondents

Writ Petition (M/S) No. 372 of 2025

Oil and Natural Gas Corporation ...Petitioner

Versus

Bhagwan Singh Bisht and another ....Respondents

Writ Petition (M/S) No. 373 of 2025

Oil and Natural Gas Corporation ...Petitioner

Versus

Rameshwari Devi and another ....Respondents

Writ Petition (M/S) No. 374 of 2025

Oil and Natural Gas Corporation ...Petitioner

Versus

Karan Singh Gurung and another ....Respondents

Writ Petition (M/S) No. 375 of 2025

Oil and Natural Gas Corporation ...Petitioner

Versus

Vijay Singh and another ....Respondents

Writ Petition (M/S) No. 376 of 2025

Oil and Natural Gas Corporation ...Petitioner

Versus

Kishore Singh and another ....Respondents

Writ Petition (M/S) No. 377 of 2025

Oil and Natural Gas Corporation ...Petitioner

Versus

Kalam Singh and another ....Respondents

Writ Petition (M/S) No. 378 of 2025

Oil and Natural Gas Corporation ...Petitioner

Versus

Darban Singh and another ….Respondents

Writ Petition (M/S) No. 379 of 2025

Oil and Natural Gas Corporation ...Petitioner

Versus

Vijay Kumar Ale and another ….Respondents

Writ Petition (M/S) No. 380 of 2025

Oil and Natural Gas Corporation ...Petitioner

Versus

Kundan Singh and another ….Respondents

Writ Petition (M/S) No. 381 of 2025

Oil and Natural Gas Corporation ...Petitioner

Versus

Ram Swaroop Ghildiyal and another ….Respondents

Writ Petition (M/S) No.382 of 2025

Oil and Natural Gas Corporation ...Petitioner

Versus

Vikram Singh Negi and another ….Respondents

Writ Petition (M/S) No.383 of 2025

Oil and Natural Gas Corporation ...Petitioner

Versus

Vimal Kishore and another ….Respondents

Writ Petition (M/S) No. 384 of 2025

Oil and Natural Gas Corporation ...Petitioner

Versus

Deepa Limbu and another ....Respondents

Writ Petition (M/S) No. 385 of 2025

Oil and Natural Gas Corporation ...Petitioner

Versus

Ashok Kumar Sharma and another ....Respondents

Writ Petition (M/S) No. 386 of 2025

Oil and Natural Gas Corporation ...Petitioner

Versus

Anand Singh and another ....Respondents

Writ Petition (M/S) No. 387 of 2025

Oil and Natural Gas Corporation ...Petitioner

Versus

Dirgh Lal and another ....Respondents

Writ Petition (M/S) No. 388 of 2025

Oil and Natural Gas Corporation ...Petitioner

Versus

Sant Bahadur Thapa and another ....Respondents

Writ Petition (M/S) No. 389 of 2025

Oil and Natural Gas Corporation ...Petitioner

Versus

Rup Kumar Thapa and another ....Respondents

Writ Petition (M/S) No. 390 of 2025

Oil and Natural Gas Corporation ...Petitioner

Versus

Basant Kumar Thapa and another ....Respondents

Writ Petition (M/S) No. 391 of 2025

Oil and Natural Gas Corporation ...Petitioner

Versus

Bhagwan Singh Pradhan and another ....Respondents

Writ Petition (M/S) No. 392 of 2025

Oil and Natural Gas Corporation ...Petitioner

Versus

Savitri Rana and another ....Respondents

Writ Petition (M/S) No. 393 of 2025

Oil and Natural Gas Corporation ...Petitioner

Versus

Govind Singh and another ....Respondents

Writ Petition (M/S) No. 394 of 2025

Oil and Natural Gas Corporation ...Petitioner

Versus

Seema Gurung and another ....Respondents

Writ Petition (M/S) No. 395 of 2025

Oil and Natural Gas Corporation ...Petitioner

Versus

Savitri Devi and another ….Respondents

Writ Petition (M/S) No. 396 of 2025

Oil and Natural Gas Corporation ...Petitioner

Versus

Gammar Singh and another ….Respondents

Writ Petition (M/S) No. 397 of 2025

Oil and Natural Gas Corporation ...Petitioner

Versus

Rajesh Gurung and another ….Respondents

Writ Petition (M/S) No. 398 of 2025

Oil and Natural Gas Corporation ...Petitioner

Versus

Trilochan Joshi and another ….Respondents

Writ Petition (M/S) No. 399 of 2025

Oil and Natural Gas Corporation ...Petitioner

Versus

Parmil Kumar and another ….Respondents

Writ Petition (M/S) No. 400 of 2025

Oil and Natural Gas Corporation ...Petitioner

Versus

Gaje Singh Rawat and another ….Respondents

Writ Petition (M/S) No. 401 of 2025

Oil and Natural Gas Corporation ...Petitioner

Versus

Gopal Singh Thapa and another ....Respondents

Writ Petition (M/S) No. 402 of 2025

Oil and Natural Gas Corporation ...Petitioner

Versus

Basant Singh and another ....Respondents

Writ Petition (M/S) No. 403 of 2025

Oil and Natural Gas Corporation ...Petitioner

Versus

Mohan Singh Negi and another ....Respondents

Writ Petition (M/S) No. 404 of 2025

Oil and Natural Gas Corporation ...Petitioner

Versus

Om Prakash Khandka and another ....Respondents

Writ Petition (M/S) No. 405 of 2025

Oil and Natural Gas Corporation ...Petitioner

Versus

Mahender Kumar Shahi and another ....Respondents

Writ Petition (M/S) No. 406 of 2025

Oil and Natural Gas Corporation ...Petitioner

Versus

Dhirendra Prasad and another ....Respondents

Writ Petition (M/S) No.407 of 2025

Oil and Natural Gas Corporation ...Petitioner

Versus

Surendra Singh Rawat and another ....Respondents

Writ Petition (M/S) No. 408 of 2025

Oil and Natural Gas Corporation ...Petitioner

Versus

Mahabir Singh Chinwan and another ....Respondents

Writ Petition (M/S) No. 409 of 2025

Oil and Natural Gas Corporation ...Petitioner

Versus

Om Prakash Dhyani and another ....Respondents

Writ Petition (M/S) No. 410 of 2025

Oil and Natural Gas Corporation ...Petitioner

Versus

Bhagwan Singh Khattri and another ....Respondents

Writ Petition (M/S) No. 411 of 2025

Oil and Natural Gas Corporation ...Petitioner

Versus

Bahadur Singh Rana and another ....Respondents

Writ Petition (M/S) No. 412 of 2025

Oil and Natural Gas Corporation ...Petitioner

Versus

Anup Kumar Sawan and another ....Respondents

Writ Petition (M/S) No. 413 of 2025

Oil and Natural Gas Corporation ...Petitioner

Versus

Meena Thapa and another ....Respondents

Writ Petition (M/S) No. 414 of 2025

Oil and Natural Gas Corporation ...Petitioner

Versus

Gajpal Singh and another ....Respondents

Writ Petition (M/S) No. 415 of 2025

Oil and Natural Gas Corporation ...Petitioner

Versus

Prabhu Singh Thapa and another ....Respondents

Writ Petition (M/S) No. 416 of 2025

Oil and Natural Gas Corporation ...Petitioner

Versus

Munni Devi and another ....Respondents

Writ Petition (M/S) No. 417 of 2025

Oil and Natural Gas Corporation ...Petitioner

Versus

Anup Kumar Gurung and another ....Respondents

Writ Petition (M/S) No. 418 of 2025

Oil and Natural Gas Corporation ...Petitioner

Versus

Geeta and another ....Respondents

Writ Petition (M/S) No. 419 of 2025

Oil and Natural Gas Corporation ...Petitioner

Versus

Hemlal Bahadari and another ....Respondents

Writ Petition (M/S) No. 420 of 2025

Oil and Natural Gas Corporation ...Petitioner

Versus

Harikala Thapa and another ....Respondents

Writ Petition (M/S) No. 421 of 2025

Oil and Natural Gas Corporation ...Petitioner

Versus

Maya Ram and another ....Respondents

Writ Petition (M/S) No. 422 of 2025

Oil and Natural Gas Corporation ...Petitioner

Versus

Raj Bahadur and another ....Respondents

Writ Petition (M/S) No. 423 of 2025

Oil and Natural Gas Corporation ...Petitioner

Versus

Ravindra Prasad and another ....Respondents

Writ Petition (M/S) No. 424 of 2025

Oil and Natural Gas Corporation ...Petitioner

Versus

Gopal Singh Rawat and another ....Respondents

Writ Petition (M/S) No. 425 of 2025

Oil and Natural Gas Corporation ...Petitioner

Versus

Mahesh Kumar Gurung and another ....Respondents

Writ Petition (M/S) No. 426 of 2025

Oil and Natural Gas Corporation ...Petitioner

Versus

Nar Bahadur Gurung and another ....Respondents

Writ Petition (M/S) No. 427 of 2025

Oil and Natural Gas Corporation ...Petitioner

Versus

Anand Kumar Gurung and another ....Respondents

Writ Petition (M/S) No. 428 of 2025

Oil and Natural Gas Corporation ...Petitioner

Versus

Sant Bir and another ....Respondents

Writ Petition (M/S) No. 429 of 2025

Oil and Natural Gas Corporation ...Petitioner

Versus

Jang Bahadur Thapa and another ....Respondents

Writ Petition (M/S) No. 430 of 2025

Oil and Natural Gas Corporation ...Petitioner

Versus

Bir Bahadur Rana and another ....Respondents

Writ Petition (M/S) No. 431 of 2025

Oil and Natural Gas Corporation ...Petitioner

Versus

Ramesh Chandra Tiwari and another ....Respondents

Writ Petition (M/S) No. 432 of 2025

Oil and Natural Gas Corporation ...Petitioner

Versus

Deepak Kumar Thapa and another ....Respondents

Writ Petition (M/S) No. 433 of 2025

Oil and Natural Gas Corporation ...Petitioner

Versus

Avtar Singh Negi and another ....Respondents

Writ Petition (M/S) No. 434 of 2025

Oil and Natural Gas Corporation ...Petitioner

Versus

Jiwan Kumar Gurung and another ....Respondents

Writ Petition (M/S) No. 435 of 2025

Oil and Natural Gas Corporation ...Petitioner

Versus

Surendra Singh Gautam and another ....Respondents

Writ Petition (M/S) No. 436 of 2025

Oil and Natural Gas Corporation ...Petitioner

Versus

Kesh Bahadur Khattri and another ....Respondents

Writ Petition (M/S) No. 437 of 2025

Oil and Natural Gas Corporation ...Petitioner

Versus

Sandhya Khattri and another ....Respondents

Writ Petition (M/S) No. 438 of 2025

Oil and Natural Gas Corporation ...Petitioner

Versus

Jang Bahadur Thapa and another ....Respondents

Writ Petition (M/S) No. 439 of 2025

Oil and Natural Gas Corporation ...Petitioner

Versus

Shyam Pratap Sen and another ....Respondents

Writ Petition (M/S) No. 440 of 2025

Oil and Natural Gas Corporation ...Petitioner

Versus

Satypal Rana and another ....Respondents

Writ Petition (M/S) No. 441 of 2025

Oil and Natural Gas Corporation ...Petitioner

Versus

Anil Kumar and another ....Respondents

Writ Petition (M/S) No. 442 of 2025

Oil and Natural Gas Corporation ...Petitioner

Versus

Rameshwari Uniyal and another ....Respondents

Writ Petition (M/S) No. 443 of 2025

Oil and Natural Gas Corporation ...Petitioner

Versus

Jaswant Singh and another ....Respondents

Writ Petition (M/S) No. 444 of 2025

Oil and Natural Gas Corporation ...Petitioner

Versus

Birender Singh Chhetri and another ....Respondents

Writ Petition (M/S) No. 445 of 2025

Oil and Natural Gas Corporation ...Petitioner

Versus

Jeet Bahadur and another ....Respondents

Writ Petition (M/S) No. 446 of 2025

Oil and Natural Gas Corporation ...Petitioner

Versus

Meena Gurung and another ....Respondents

Writ Petition (M/S) No. 447 of 2025

Oil and Natural Gas Corporation ...Petitioner

Versus

Lata and another ....Respondents

Writ Petition (M/S) No. 448 of 2025

Oil and Natural Gas Corporation ...Petitioner

Versus

Ramesh Singh Panwar and another ....Respondents

Writ Petition (M/S) No. 449 of 2025

Oil and Natural Gas Corporation ...Petitioner

Versus

Uttam Singh Thapa and another ....Respondents

Writ Petition (M/S) No. 450 of 2025

Oil and Natural Gas Corporation ...Petitioner

Versus

Kamla Sharma and another ….Respondents

Writ Petition (M/S) No. 451 of 2025

Oil and Natural Gas Corporation ...Petitioner

Versus

Krishna Kumar Khandka and another ….Respondents

And

Writ Petition (M/S) No. 452 of 2025

Oil and Natural Gas Corporation ...Petitioner

Versus

Harka Maya Rai and another ….Respondents

Writ Petition (M/S) No. 453 of 2025

Oil and Natural Gas Corporation ...Petitioner

Versus

Man Bahadur Thapa and another ….Respondents

Writ Petition (M/S) No. 454 of 2025

Oil and Natural Gas Corporation ...Petitioner

Versus

Mohan Singh Chaudhari and another ….Respondents

Writ Petition (M/S) No. 455 of 2025

Oil and Natural Gas Corporation ...Petitioner

Versus

Sangram Singh Rawat and another ….Respondents

Writ Petition (M/S) No. 456 of 2025

Oil and Natural Gas Corporation ...Petitioner

Versus

Shyam Singh Thapa and another ....Respondents

Writ Petition (M/S) No. 457 of 2025

Oil and Natural Gas Corporation ...Petitioner

Versus

Gopal Singh Rana and another ....Respondents

Writ Petition (M/S) No. 458 of 2025

Oil and Natural Gas Corporation ...Petitioner

Versus

Madan Mohan and another ....Respondents

Writ Petition (M/S) No. 459 of 2025

Oil and Natural Gas Corporation ...Petitioner

Versus

Om Bahadur Rana and another ....Respondents

Writ Petition (M/S) No. 460 of 2025

Oil and Natural Gas Corporation ...Petitioner

Versus

Harish Chand Gurung and another ....Respondents

Writ Petition (M/S) No. 461 of 2025

Oil and Natural Gas Corporation ...Petitioner

Versus

Vishnu Prasad and another ....Respondents

Writ Petition (M/S) No. 462 of 2025

Oil and Natural Gas Corporation ...Petitioner

Versus

Meena Shahi and another ....Respondents

Writ Petition (M/S) No. 463 of 2025

Oil and Natural Gas Corporation ...Petitioner

Versus

Govind Kumar and another ....Respondents

Writ Petition (M/S) No. 464 of 2025

Oil and Natural Gas Corporation ...Petitioner

Versus

Kishori Lal Bhatt and another ....Respondents

Writ Petition (M/S) No. 465 of 2025

Oil and Natural Gas Corporation ...Petitioner

Versus

Arjun Sen and another ....Respondents

Present:

Mr. Piyush Garg, Advocate for the petitioner.
Mr. Neeraj Garg, Advocate for the UPNL.

JUDGMENT

Hon'ble Ravindra Maithani, J.(Oral)

Since common questions of law and facts are involved in all these petitions, they are decided by this common judgment.

2. The challenge in these petitions is made to the final order dated 22.10.2024 passed under Section 7 (4) (c) of the Payment of Gratuity Act, 1972 ("the Act") read with 11 (4) of the Payment of Gratuity (Central) Rules, 1972 by the court of Assistant Labour Commissioner (Central), Dehradun and Controlling Authority under the Act.

3. Heard learned counsel for the parties and perused the record.

4. At the very outset, the Court wanted to know from learned counsel for the petitioner as to how, the writ petitions are maintainable in view of alternate efficacious remedy in terms of Section 7 sub Section (7) of the Act?

5. Learned counsel for the petitioner would submit that the controlling authority has wrongly interpreted the definition of employer and termed the petitioner as principal employer, which is beyond the jurisdiction of the controlling authority. Therefore, the writ petitions are maintainable. He would further submit that since the impugned order directs the petitioner as the principal employer to pay the gratuity, this order is without jurisdiction.

6. There are distinct aspects of the matter, namely, (i) Order without jurisdiction; (ii) an order which is termed wrong by a party. In para 56 of the impugned order, the Controlling Authority has proceeded to decide as to who is an employer, as per Section 2 (f) of the Act and in para (A), it records as follows:-

> "**56. The crucial points in the claim before the undersigned, to arrive at the conclusion as to who is the employer as per Section 2 (f) of the PG Act, 1972 are:- (A)** There is continuation of employment of employees in the establishment of the ONGC before and after the term of the contract of the UPNL. There was no termination of the service of the employees. The contract of the service is between the principal employer and the contractor, the employees are not party to the said contract. The employees are in continuous service in the establishment of the ONGC through different contractors."

7. In para (A) of the para 56 of the impugned order, the impugned order refers the words "principal employer" and the "contractor". But thereafter, the order examines the contract and other factual aspects of the matter and in para 57 concludes as follows:-

> "57. **In view of facts mentioned above, judgments of the Hon'ble Supreme Court of India and Hon'ble High Courts, it is held that the ONGC has the ultimate control over the affair of the establishment in relation to these applicants. The ONGC is meeting the criteria of employer for the limited purpose of gratuity as per**

section 2 (f) of the PG Act, 1972. The applicants are entitled for the gratuity as per the provisions of the Payment of Gratuity Act, 1972 and the ONGC is liable to pay the gratuity to the applicant."

8. Sub Section (4) (a) (b) of Section 7 of the Act, deals with disputes of gratuity. It reads as follows:-

"(4) (a) If there is any dispute as to the amount of gratuity payable to an employee under this Act or as to the admissibility of any claim of, or in relation to, an employee for payment of gratuity, or as to the person entitled to receive the gratuity, the employer shall deposit with the controlling authority such amount as he admits to be payable by him as gratuity.

(b) Where there is a dispute with regard to any matter or matters specified in clause (a), the employer or employee or any other person raising the dispute may make an application to the controlling authority for deciding the dispute."

9. Any person aggrieved by an order under sub-Section 4 may prefer an appeal. It is so given under Section 7 sub Section (7) of the Act, which reads as hereunder:-

"**7**. **Determination of the amount of gratuity.-**

(1).....

(2).....

(3).....

(4).....

(5).....

(6).....

(7) Any person aggrieved by an order under sub-section (4), may, within sixty days from the date of the receipt of the order, prefer an appeal to the appropriate Government or such other authority as may be specified by the appropriate Government in this behalf:

Provided that the appropriate Government or the appellate authority, as the case may be, may, if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal within the said period of sixty days, extend the said period by a further period of sixty days.

Provided further that no appeal by an employer shall be admitted unless at the time of preferring the appeal, the appellant either produces a certificate of the controlling authority to the effect that the appellant has deposited with him an amount equal to the amount of gratuity required to be deposited under sub-section (4), or deposits with the appellate authority such amount."

10. In the impugned order, the controlling authority has categorically held that **"the ONGC is meeting the criteria of employer for the limited purpose of gratuity**

as per Section 2 (f) of the Act. The applicants are entitled to gratuity as per the provisions of the Act". This finding categorically establishes that, in fact, the controlling authority has determined the relationship between the employer and employee and held that the petitioner is employer as per Section 2 (f) of the Act. This order cannot be termed an order without jurisdiction. A party may term it as a wrong finding. But then for that purpose redressal can be had under Section 7 sub Section (7) of the Act. There is an alternate efficacious remedy available to the petitioner. Therefore, instant writ petitions may not be entertained. Accordingly, the instant writ petitions deserve to be dismissed at the stage of admission itself.

11. The writ petitions are dismissed *in limine*.

(Ravindra Maithani, J.)
19.03.2025

Jitendra