



CWP-8841-2020 (O&M)

1

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

(258)

CWP-8841-2020 (O&M)
Date of Decision : 07.04.2026

The Palwal Co-operative Sugar Mills Ltd.

...Petitioner

Versus

The Appellate Authority under the
Payment of Gratuity Act, 1972 and others

...Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Ajay K. Yadav, Advocate for
Mr. R.N. Lohan, Advocate
for the petitioner.

Mr. Shiv Kumar, Advocate
for the applicant/respondent No.3.

KULDEEP TIWARI, J. (ORAL)**CM-3789-CWP-2022**

Through the instant application, the applicant/respondent No.3, has sought permission to join the proceeding and contest the *lis*, as he was proceeded against *exparte* vide order dated 26.10.2020, passed by Coordinate Bench of this Court.

For the good and valid reasons assigned in the application, the same is **allowed**, and the applicant/respondent No.3, is allowed to join the proceeding from today.

Application stands **disposed of** accordingly.

CWP-8841-2020

1. The validity of the order dated 14.03.2019 (Annexure P-2), passed by the Controlling Authority, under Payment of Gratuity Act, 1972,

**CWP-8841-2020 (O&M)****2**

Palwal (respondent No.2), wherethrough, the application preferred by respondent No.3, was allowed and the petitioner was directed to pay an amount of Rs.3,06,287/-, along with interest @ 9% per annum from 01.04.2017, till the date of actual realization of the amount, as well as, order dated 18.11.2019 (Annexure P-3), passed by learned Appellate Authority under the Payment of Gratuity Act, 1972, Faridabad (respondent No.1), wherethrough, the appeal preferred by the petitioner was dismissed solely on the account of non-depositing the statutory amount.

2. At the very outset, learned counsel for the petitioner apprises this Court that they are ready and willing to deposit the entire assessed amount before the learned Appellate Authority concerned. He further draws the attention of this Court that post the decision by learned Appellate Authority concerned, the petitioner has deposited an amount of Rs.3,06,287, by way of Cheque No.202309 dated 28.01.2020, in the Court on 03.02.2020. He also submits that in case, the said cheque is invalidated, or the amount has not been credited, they are still ready and willing to deposit the amount, afresh. However, a direction be passed upon the learned Appellate Authority concerned, to decide the appeal on merits.

3. Further, learned counsel for the petitioner, has drawn the attention of this Court towards Annexure P-4, which is account statement, to submit that the gratuity amount has been paid by the petitioner, on 16.10.2017. However, despite this fact, the pleadings which are raised by the petitioner, has not been considered before passing the order (supra).

4. Learned counsel for the respondent No.3/workman, submits that the petitioner is unnecessarily harassing the workman. There is no dispute with regard to the fact that respondent No.3, has worked as a seasonal



employee, and this fact was duly considered by learned Appellate Authority concerned, and therefore, the latter fastened the liability upon the petitioner, to pay the gratuity amount. He fairly concedes that learned Appellate Authority concerned, dismissed the appeal for non-deposit of the amount.

5. This Court has heard the rival submissions, as made by learned counsel for the parties concerned, and has gone through the available record.

6. Considering the fact that the appeal was declined by learned Appellate Authority concerned, solely on account of non-deposit of statutory amount, therefore, the said order requires interference of this Court, and *lis* is **remitted back** to learned Appellate Authority concerned, to decide the appeal afresh on merits, subject to the petitioner making compliance by depositing the statutory amount, within a period of 30 days, from the date of receipt of certified copy of this order.

7. Both the parties are directed to cause appearance before the learned Appellate Authority concerned, on 08.05.2026.

8. Consequently, the instant writ petition is **disposed of**.

(KULDEEP TIWARI)
JUDGE

April 07, 2026
Manpreet

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