



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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LPA-2883-2025 (O&M)

DATE OF DECISION: 23.02.2026

**MANAGING DIRECTOR, PUNJAB STATE
COOPERATIVE SUPPLY AND MARKETING
FEDERATION LTD**

... Appellant

Versus

SUCHA SINGH AND OTHERS

... Respondents

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

Present: Ms. Anamika Sheoran, Advocate for the appellant.

Ms. Arundhati Kulshreshtha, AAG Punjab.

ANUPINDER SINGH GREWAL, J. (ORAL)

CM-7267-LPA-2025

This is an application seeking condonation of delay of 156 days in refiling the appeal.

Issue notice to the respondents.

Ms. Arundhati Kulshreshtha, AAG Punjab accepts notice on behalf of the respondents No.2 and 3 and submits that she has no objection if the delay is condoned.

Heard. For the reasons stated in the application, same is allowed and delay of 156 days in refiling the appeal is condoned.

Main case

The appellant-employer has impugned the judgment of the Single



Bench dated 20.02.2025 whereby the writ petition challenging the orders passed by the Controlling Authority as well as the Appellate Authority have been dismissed.

2. 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.

3. Heard.

4. The private respondent was working with the appellant on Class-IV post. He 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 respondent-employee, he 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 19.06.2017 (Annexure P-3) and directed that the respondent-employee would be entitled to receive an additional sum of Rs.5,92,816/- along with 10% interest thereon.

5. Aggrieved thereagainst, the appellant had preferred an appeal before the Appellate Authority but the same was dismissed vide order dated 21.08.2018 (Annexure P-5) being time barred as the appeal was preferred 355 days after the order had been passed by the Competent Authority and the Appellate Authority does not have the power to condone the delay beyond 60 days.

6. 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.

7. 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.”

8. 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 petition, we do not find any infirmity or perversity in the judgment of the Single Bench warranting interference in the appeal.
9. Consequently, the Letters Patent Appeal being devoid of merit stand dismissed. All miscellaneous application(s) shall stand disposed of accordingly.

(ANUPINDER SINGH GREWAL)
JUDGE

(DEEPAK MANCHANDA)
JUDGE

23.02.2026
sapna

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