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

**CM-5545-CWP-2026 in/and
CWP-7349-2026**

Date of Decision : **16.04.2026**

**M/S VIG DIGITAL AND COLOR LAB NH 1 DURGA COLONY
GT ROAD TEHSIL GHARAUNDA DISTRICT KARNAL
HARYANA**

.....Petitioner

VERSUS

**THE APPELLANT AUTHORITY UNDER PAYMENT OF
GRATUITY ACT CUM DEPUTY LABOUR COMMISSIONER
PANIPAT AND ORS.**

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr.Sukh Dev Singh , Advocate,
for the petitioner.

KULDEEP TIWARI, J.(Oral)

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Application is **allowed**, as prayed for subject to all just exceptions, and photocopy of reply/written statement, filed by the petitioner-firm to the claim application, is taken on record.

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1. Through the instant petition, filed under Article 226/227 of the Constitution of India, the petitioner-management has challenged the order dated 08.09.2025 (Annexure P-1), passed by the learned Appellate Authority-cum-Deputy Labour Commissioner, Panipat, as well as the



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order dated 14.05.2024 (Annexure P-2), passed by the learned Controlling Authority under the ibid Act, wherethrough, the legal heirs of deceased workman-Ashwani Kumar (respondents no.2 to 5), were found to be entitled for the amount payable under the Payment of Gratuity Act, 1972, to the tune of Rs.94,924/-.

2. Learned counsel for the petitioner made two-fold submissions; (i) the petitioner-management is not covered under the Payment of Gratuity Act, 1972, as it employed only 09 workmen, whereas, at least 10 workmen are required to be employed; (ii) That deceased workman (Ashwani Kumar), has not served with the petitioner-management for the requisite time period, and even if, the case of the deceased workman, is taken to be a gospel truth that he joined in the year 2017, even then he has not completed the statutory period, entitling the legal heirs to receive the gratuity amount.

3. This Court has considered the submissions, as made by learned counsel for the petitioner and has perused the impugned Awards.

4. On perusal of the impugned orders, as well as the record of the case, this Court finds no merit in the instant case, for the reason that the attendance register as placed on record by the respondents, as Annexure P-5, clearly reflects that 09 workmen, were engaged by the petitioner-management, during the relevant period, i.e. from January, 2017 to March, 2019, and, in this period, the name of Ashwani Kumar, does not find mention, and his name finds mentioned from May, 2019 to



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February, 2020, however, as per the written statement, he was working since 2017. Therefore, the learned Tribunal concerned, has rightly concluded that 09 workmen including deceased Ashwani Kumar, whose name is not mentioned in the attendance register, the total comes to 10 workmen, which brings the petitioner-management, within the ambit of Gratuity Act of 1972.

5. Further, by placing reliance upon the photocopy of the bank pass book, which carries the address of Ashwani Kumar, through the firm, the respondent-LRs, establishes that deceased-Ashwani Kumar, at the best, was working with the petitioner-management, since 16.04.2004.

6. All the above, factual findings of the Controlling Authority, were affirmed by the learned Appellate Tribunal.

7. Learned counsel for the petitioner-management is unable to point out any illegality and perversity into the factual findings, as recorded by the learned Tribunal concerned, requiring this Court to take a different view. The relevant findings as recorded by the Controlling Authority, is extracted hereinafter:-

“Sh. Ravikant, summoned witness as AW-1 tendered copies of attendance register as Ex.A-1 (56 pages). A perusal of Ex.A-1 shows that there were 9 workers on roll from January, 2017 to March, 2019. Name of husband of applicant was entered in the attendance register from April, 2019 and total names of workers were entered in attendance register got 10. Although name of Ashwani Kumar was not entered in the attendance register during the period January, 2017 to March, 2019 and there 9 workers in attendance register and as per written statement, Ashwani Kumar was working from 2017, therefore, if his name was also entered in attendance register, the total number of workers comes to 10 from January, 2017 and therefore, provisions of the Act are applicable to the respondents.



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Further the respondent alleged that the husband of applicant i.e. Ashwani Kumar was joined in 2017, but a perusal of copy of bank pass book Mark-A shows that the address of Ashwani Kumar was mentioned through respondent firm and it was started from 16.12.2004, which proved that Ashwani Kumar was with respondent on 16.12.2004 and obviously, he had not went to bank to open account on the very first day. Hence, I hold that the husband of applicant had joined the respondent on 1.12.2004 and he had worked till his death i.e. 7.3.2020 and had rendered 15 years, 3 months and 7 days, rounded to 15 years.

The applicants alleged that wages of the deceased was Rs.13000/- while the respondents alleged that wages of Ashwani Kumar was Rs.10000/- per month. There is no documentary evidence about wages. The minimum wages in March, 2020 was Rs.10969/- for a skilled worker. There is no provision that overtime wages were included wages while calculating gratuity. Hence, I hold that wages of Ashwani Kumar was Rs.10969/- per month and thus his gratuity is calculated as Rs.10969/26 X 15 X 15-Rs.94924/- ”

8. In the absence of any illegality and perversity in the impugned orders, this Court refrains to exercise its jurisdiction as envisaged under Article 226/227 of the Constitution of India.

9. Consequently, the instant petition, is hereby, **dismissed**.

April 16, 2026
dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No