



**CWP-11730-2014 &
connected petitions**

-1-

105 (17 cases)

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

**CWP-11730-2014 (O&M)
Date of Decision: 29.01.2026**

MUNICIPAL COUNCIL, RAJPURA

-PETITIONER

V/S

**APPELLATE AUTHORITY UNDER THE PAYMENT OF
GRATUITY ACT, 1972-CUM-ADDITIONAL LABOUR
COMMISSIONER, PUNJAB AND ORS.**

-RESPONDENTS

2.

CWP-11731-2014 (O&M)

MUNICIPAL COUNCIL, RAJPURA

-PETITIONER

/S

**APPELLATE AUTHORITY UNDER THE PAYMENT OF
GRATUITY ACT, 1972-CUM-ADDITIONAL LABOUR
COMMISSIONER, PUNJAB AND ORS.**

-RESPONDENTS

3.

CWP-11732-2014 (O&M)

MUNICIPAL COUNCIL, RAJPURA

-PETITIONER

V/S

**APPELLATE AUTHORITY UNDER THE PAYMENT OF
GRATUITY ACT, 1972-CUM-ADDITIONAL LABOUR
COMMISSIONER, PUNJAB AND ORS.**

-RESPONDENTS

4.

CWP-11733-2014 (O&M)

MUNICIPAL COUNCIL, RAJPURA

-PETITIONER

V/S



CWP-11730-2014 & connected petitions **-2-**

APPELLATE AUTHORITY UNDER THE PAYMENT OF GRATUITY ACT, 1972-CUM-ADDITIONAL LABOUR COMMISSIONER, PUNJAB AND ORS.
-RESPONDENTS

5. CWP-11734-2014 (O&M)
MUNICIPAL COUNCIL, RAJPURA
-PETITIONER
V/S

APPELLATE AUTHORITY UNDER THE PAYMENT OF GRATUITY ACT, 1972-CUM-ADDITIONAL LABOUR COMMISSIONER, PUNJAB AND ORS.
-RESPONDENTS

6. CWP-11735-2014 (O&M)
MUNICIPAL COUNCIL, RAJPURA
-PETITIONER
V/S

APPELLATE AUTHORITY UNDER THE PAYMENT OF GRATUITY ACT, 1972-CUM-ADDITIONAL LABOUR COMMISSIONER, PUNJAB AND ORS.
-RESPONDENTS

7. CWP-11736-2014 (O&M)
MUNICIPAL COUNCIL, RAJPURA
-PETITIONER
V/S

APPELLATE AUTHORITY UNDER THE PAYMENT OF GRATUITY ACT, 1972-CUM-ADDITIONAL LABOUR COMMISSIONER, PUNJAB AND ORS.
-RESPONDENTS

8. CWP-11737-2014 (O&M)
MUNICIPAL COUNCIL, RAJPURA
-PETITIONER
V/S



**CWP-11730-2014 &
connected petitions**

-3-

**APPELLATE AUTHORITY UNDER THE PAYMENT OF
GRATUITY ACT, 1972-CUM-ADDITIONAL LABOUR
COMMISSIONER, PUNJAB AND ORS.**

-RESPONDENTS

9. CWP-11738-2014 (O&M)

MUNICIPAL COUNCIL, RAJPURA

-PETITIONER

V/S

**APPELLATE AUTHORITY UNDER THE PAYMENT OF
GRATUITY ACT, 1972-CUM-ADDITIONAL LABOUR
COMMISSIONER, PUNJAB AND ORS.**

-RESPONDENTS

10. CWP-11739-2014 (O&M)

MUNICIPAL COUNCIL, RAJPURA

-PETITIONER

V/S

**APPELLATE AUTHORITY UNDER THE PAYMENT OF
GRATUITY ACT, 1972-CUM-ADDITIONAL LABOUR
COMMISSIONER, PUNJAB AND ORS.**

-RESPONDENTS

11. CWP-11740-2014 (O&M)

MUNICIPAL COUNCIL, RAJPURA

-PETITIONER

V/S

**APPELLATE AUTHORITY UNDER THE PAYMENT OF
GRATUITY ACT, 1972-CUM-ADDITIONAL LABOUR
COMMISSIONER, PUNJAB AND ORS.**

-RESPONDENTS

12. CWP-11741-2014 (O&M)

MUNICIPAL COUNCIL, RAJPURA

-PETITIONER

V/S



CWP-11730-2014 & connected petitions **-4-**

APPELLATE AUTHORITY UNDER THE PAYMENT OF GRATUITY ACT, 1972-CUM-ADDITIONAL LABOUR COMMISSIONER, PUNJAB AND ORS.
-RESPONDENTS

13. CWP-11742-2014 (O&M)
MUNICIPAL COUNCIL, RAJPURA
-PETITIONER
V/S

APPELLATE AUTHORITY UNDER THE PAYMENT OF GRATUITY ACT, 1972-CUM-ADDITIONAL LABOUR COMMISSIONER, PUNJAB AND ORS.
-RESPONDENTS

14. CWP-11743-2014 (O&M)
MUNICIPAL COUNCIL, RAJPURA
-PETITIONER
V/S

APPELLATE AUTHORITY UNDER THE PAYMENT OF GRATUITY ACT, 1972-CUM-ADDITIONAL LABOUR COMMISSIONER, PUNJAB AND ORS.
-RESPONDENTS

15. CWP-11744-2014 (O&M)
MUNICIPAL COUNCIL, RAJPURA
-PETITIONER
V/S

APPELLATE AUTHORITY UNDER THE PAYMENT OF GRATUITY ACT, 1972-CUM-ADDITIONAL LABOUR COMMISSIONER, PUNJAB AND ORS.
-RESPONDENTS

16. CWP-11745-2014 (O&M)
MUNICIPAL COUNCIL, RAJPURA
-PETITIONER
V/S



**CWP-11730-2014 &
connected petitions**

-5-

**APPELLATE AUTHORITY UNDER THE PAYMENT OF
GRATUITY ACT, 1972-CUM-ADDITIONAL LABOUR
COMMISSIONER, PUNJAB AND ORS.**

-RESPONDENTS

17. CWP-11746-2014 (O&M)

MUNICIPAL COUNCIL, RAJPURA

-PETITIONER

V/S

**APPELLATE AUTHORITY UNDER THE PAYMENT OF
GRATUITY ACT, 1972-CUM-ADDITIONAL LABOUR
COMMISSIONER, PUNJAB AND ORS.**

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present Mr. Neeraj Sharma, Advocate,
for the petitioner(s)-MC.

Mr. Chetan Kapoor, Advocate,
for respondent-workman in each petition.

KULDEEP TIWARI, J. (Oral)

1. All the aforesaid petitions are amenable to be decided together, as a common issue is involved therein, and with the consent of learned counsel for the parties concerned, these are taken together, for final adjudication. For the sake of brevity, the facts are being carved out from CWP-11730-2014.

2. Through the instant petition, as cast under Article 226/227 of the Constitution of India, a challenge is thrown to the order dated 30.11.2011 (Annexure P-1), passed by the controlling authority (respondent no.2), and order dated 28.06.2012 (Annexure P-2), passed by

**CWP-11730-2014 &
connected petitions****-6-**

the learned Appellate Authority (respondent no.1).

3. The main issue, as is involved in the instant petitions, is as to whether, the Payment of Gratuity Act, 1972, is applicable to the employees of Municipal Council or not?

4. Brief facts of the case are that, respondent no.2-workman, filed an application before the controlling authority concerned, under the provisions of the Payment of Gratuity Act, 1972, stating therein, that he joined service with the petitioner-MC, on 05.07.1954, as a peon, and retired on 31.03.1995, as Junior Assistant. After rendering continuous service for 40 years and 08 months and 26 days, he was paid a sum of Rs.30,658/- on account of gratuity, whereas, according to the provisions of the Act of 1972, he was entitled to receive a sum of Rs.97,194/- towards the gratuity. The controlling authority concerned, through its verdict dated 30.11.2011 (Annexure P-1), allowed the claim of the workman, and directed the Municipal Council, to pay within 90 days from the date of the order, an amount of Rs.66,536/-, to the workman, towards the balance amount towards gratuity, and failing which, the petitioner-MC, shall also be liable to pay a simple interest at the rate of 9% from the date of application, till actual payment. The statutory appeal, as preferred by the petitioner-MC against the aforesaid verdict, did not yield any fruit, as the same was dismissed vide a detailed reasoned order dated 28.06.2012 (Annexure P-2). Feeling aggrieved with both the orders (*supra*), the petitioner-MC has approached this Court through the instant



**CWP-11730-2014 &
connected petitions**

-7-

writ petition.

5. During the course of arguments, learned counsel for the petitioner-MC, raised only one issue, that the instant application had been filed almost after a lapse of 10 years. Therefore, the controlling authority concerned ought not to have entertained the application preferred by respondent no.2-workman, and the same ought have been dismissed, only on the ground of delay and latches.

7. He further submits that the issue of delay and latches was raised before the authority concerned, however, the same was not adjudicated upon in its right earnest, therefore, the impugned orders require to be interfered with .

8. On the other hand, learned counsel for the respondent no.2-workman, submits that in view of Section 7 of the Act of 1972, it is the duty of the employer to pay the actual gratuity amount, and in case of their failure to do so, they cannot take the refuge under the doctrine of delay and latches, so as to defeat the rightful claim of the employer/workman.

10. He also submits that the issue of delay and latches in the similar circumstances, with regard to payment of gratuity related to employees of the Municipal Council, Bathinda, has already been considered by the Division Bench of this Court in, “**Municipal Corporation, Bathinda, vs. Appellate Authority under Payment of gratuity Act 1972-cum-Addl.Labour Commissioner, Punjab and**



**CWP-11730-2014 &
connected petitions**

-8-

others” (LPA-1352-2014 decided on 25.08.2014), and it was held therein that the delay and latches would not defeat the right of the employees/workman.

11. This Court has considered the submissions, as made learned counsel for the parties concerned, and has perused the entire case file.

12. Though it is not under dispute before this Court that the issue of entitlement of employees for gratuity under the Act of 1972, has already been examined by the Division Bench of this Court in its judgment (*supra*) and subsequently upheld by the Hon'ble Supreme Court in SLP No.11436 of 2009. Therefore, it is fairly conceded by learned counsel for the petitioner-MC that this issue is no more *res integra*.

13. Now the issue, as raised by learned counsel for petitioner, that the application (*supra*) suffers from delay and latches, therefor, the same ought to have been rejected on this score only. This Court finds that the this submission is devoid of merits. As discussed above, the similar issue has already been considered by the Division Bench of this Court in “**Municipal Corporation, Bathinda's case** (*supra*), wherein, the issue of delay and latches of more than 10 years, was not held to be impediment for the employees to oppose the controlling authority. The relevant part of the said order, is extracted hereinafter:

“Learned counsel for the appellant Corporation argued that the relief of additional gratuity should have been declined to respondent No.3 on account of delay and laches, as after more than ten years of his retirement, he moved an application dated 25.3.2010 (Annexure P-1) for payment of additional gratuity on the basis of calculation of gratuity under



**CWP-11730-2014 &
connected petitions**

-9-

the provisions of the Act. This contention is without any substance. In our opinion, payment of gratuity is a statutory obligation of the Management and this Court in Municipal Council, Budhlada's case (supra), copy of which was annexed with the writ petition as Annexure P-9, has held that the Municipal employees are entitled to invoke the provisions of the Act and not on the basis of the Rules. In view of this declaration of law, respondent No.3 was legally entitled for payment of gratuity under the provisions of the Act and the appellant Corporation is under statutory obligation to pay the same to him. When a State organisation is under statutory obligation to pay the amount, such amount cannot be denied to the employee on the ground of delay and laches. Merely because the application dated 25.3.2010 (Annexure P-1) was filed by respondent No.3 earlier to the passing of the aforesaid judgment dated 20.9.2010 (Annexure P-9), the relief can not be denied to him.”

14. In view of the above settled law, which continues to hold precedential value, this Court finds no reason to take a different view. Consequently, the instant petition, is hereby, **dismissed**.

15. All pending application(s), if any, also stand **disposed** of accordingly.

16. A photocopy of this order be placed on the files of the connected cases.

January 29, 2026
dharamvir

(KULDEEP TIWARI)
JUDGE

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