



LPA-1526-2026 (O&M)

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

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LPA-1526-2026 (O&M)

Date of decision: 26.05.2026

M/s Vig Digital & Color Lab

...Appellant

V/S

**The Appellant Authority Under Payment of Gratuity Act-Cum-
Deputy Labour Commissioner, Panipat and Ors.**

...Respondents

**CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI
HON'BLE MRS. JUSTICE AMARJOT BHATTI**

Present: Mr. Sukhdev Singh, Advocate for the appellant.

JASGURPREET SINGH PURI, J.

1. The present is an intra-court appeal filed by the appellant assailing the judgment dated 16.04.2026 passed by learned Single Judge in CWP-7349-2026 vide which the aforesaid civil writ petition was dismissed.

2. Learned counsel appearing on behalf of the appellant submitted that the judgment passed by the learned Single Judge as well as the orders passed by learned Controlling Authority and the Appellate Authority under the Payment of Gratuity Act are liable to be set aside because Sh. Ashwani Kumar who was the employee of the appellant was not entitled to claim any gratuity under the Payment of Gratuity Act, 1972 (hereinafter referred to as 'the Act') because the appellant/establishment did not have requisite number of employees. He further submitted that respondents No.2, 3, 4 & 5 are the Legal Representatives of the aforesaid



Ashwani Kumar, who was the employee of the appellant, but both the learned authorities under the Payment of Gratuity Act and learned Single Judge have erroneously so observed that the total workmen were at least 10 at the relevant time and therefore, the judgment of learned Single Judge as well as the orders passed by the authorities are liable to be set aside.

3. We have heard learned counsel for the appellant.

4. One Ashwani Kumar who was working with the appellant had died on 14.03.2020 during some treatment in the hospital. The Legal Representatives of the aforesaid Ashwani Kumar who are the private respondents in the present appeal and the writ petition claimed the gratuity under the Act. The stand taken by the appellant/establishment was that at the relevant time, there were 09 employees and therefore, fell short of 10 employees.

5. The learned Controlling Authority vide order dated 14.05.2024 (Annexure P-2) dealt with the aforesaid issue and observed that as the attendance register which was exhibited as A-1 had shown that there were 09 workers on roll from January 2017 to March 2019 whereas in fact it was as per the reply which was filed by the present appellant that the aforesaid Ashwani Kumar was working from January 2017. The learned Controlling Authority has also relied upon one bank passbook which showed the address of the aforesaid Ashwani Kumar who has started working from 16.12.2004. In this way rather Ashwani Kumar was working much prior to the year 2019 and therefore although as per the attendance register, it depicted 09 workers but the name of Ashwani



Kumar was not mentioned in the aforesaid attendance register and therefore the Controlling Authority came to the conclusion that there were 10 employees and therefore a total amount of gratuity of Rs.94924/- + Rs.39552/- with interest was directed to be paid. The appellant assailed the aforesaid order before the learned Appellate Authority, who dismissed the appeal vide order dated 08.09.2025 (Annexure P-1) and also so observed that in the written statement which was filed by the appellant/establishment before the learned Controlling Authority, it was so stated that the aforesaid Ashwani Kumar was working from 2017 itself.

6. The appellant assailed the aforesaid two orders by filing writ petition before this Court and the learned Single Judge while discussing the aforesaid aspects also dismissed the writ petition by observing that 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.

7. Still not satisfied the appellant has now filed present Letters Patent Appeal. The total amount involved is about Rs.1.4 Lacs and the respondents are the Legal Representatives of the aforesaid Ashwani Kumar who had died while in service with the appellant.

8. We are of the considered view that the appellant is only perpetuating the litigation. There are concurrent findings of facts not only by both the authorities under the Act but also by the learned Single Judge who rather refrained from exercising jurisdiction under Article 226 of the Constitution of India. The present appeal therefore would be nothing but a vexatious litigation for an amount of Rs.1.4 Lacs only to be paid to the

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Legal Representatives who are 04 in number and are private respondents in the present case.

9. In view of the above we are not inclined to interfere in the present Letters Patent Appeal and we also are of the view that the present appeal filed for the aforesaid amount would be a vexatious litigation. Consequently, the present Letters Patent Appeal is dismissed with costs of Rs.10,000/- (Ten Thousand). The appellant is hereby directed to deposit the same before the Punjab and Haryana High Court Legal Services Committee within a period of 03 months from today. After depositing the aforesaid costs, the appellant shall furnish the receipt to the Registry of this Court. In case costs are not deposited within the aforesaid period then the Registry shall list this case for compliance of the order.

10. Pending miscellaneous application(s), if any, shall also stand disposed of.

(JASGURPREET SINGH PURI)
JUDGE

(AMARJOT BHATTI)
JUDGE

26.05.2026*Sunil Devi*

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