

2025:PHHC:089905



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

COCP-2727-2021 (O&M)
Decided on:-22.07.2025

Food Corporation of India Division Office, BathindaPetitioner..

vs.

Kuldeep Kumar Sharma and othersRespondents.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Sunish Bindlish, Advocate with
Ms. Sidhi Bansal, Advocate and
Mr. Vinay Kumar, Advocate for the petitioner.

Mr. Arjun Dhaliwal, Advocate for
Ms. Deepali Puri, Advocate for respondent No.1.

HARKESH MANUJA J. (Oral)

1. Vide order dated 14.12.2020, the Writ Court passed the following directions:-

“Learned counsel for the petitioner-Corporation submits that the amount deducted from the gratuity of the respondents-employees has already been released to them in pursuance to the impugned orders, which have been set aside. That being so, the respondents are directed to refund the amount within a period of two months from today, which they have received in pursuance to the impugned orders, as the impugned orders have been set aside by this Court.

This Court has been informed that the amount was released to the respondents on the basis of surety. In case, the amount is not refunded by the employees concerned within a period of two months, the petitioner-Corporation will be within its jurisdiction to recover the amount in accordance with law.

Further, the amount, which is lying with the authorities under the Payment of Gratuity Act, 1972 and the same could not be released to the respondents-employees due to an interim order granted by this Court, the authorities under the Payment of Gratuity Act, 1972, where the amount is lying, will refund the said amount to the petitioner-Corporation forthwith.

Present writ petitions stands allowed in the above terms.”

2. Today, learned counsel for the respondents submits that in pursuance of the Writ Court order, some excess payment has been deposited by the respondents with the petitioner.

3. On the other hand, learned counsel appearing on behalf of the petitioner submits that as per the directions issued by the Writ Court, the amount was to be refunded within two months, whereas, a period of 05 years has gone by, yet, the complete payment has not been made. It has also been submitted that on account of delay in deposit, the petitioner-corporation is also entitled for statutory interest under Section 7(3-A) of the Payment of Gratuity Act, 1972.

4. In view of the aforesaid disputed fact, rather than, invoking the contempt jurisdiction, it would be appropriate, in case, the parties approach the prescribed authority under the Payment of Gratuity Act, 1972 in order to avail their respective remedies.

5. Accordingly, the present petition stands disposed of. Rule stands discharged.

6. Pending application, if any, also stands disposed of.

22.07.2025

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(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/ No