



CWP-16526-2025

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

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CWP-16526-2025

Date of Decision :29.05.2025

Sharda Devi and others

..Petitioners

Versus

**Appellate Authority under the Payment of Gratuity
Act, 1972-cum-Deputy Labour Commissioner
and others**

..Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Lalit Rishi, Advocate (Legal Aid Counsel)
for the petitioners.

* * *

Harsimran Singh Sethi, J. (Oral)

1. In the present petition, the challenge is to the order dated 18.12.2023 (Annexure P/7) passed by the Controlling Authority envisaged under the Payment of Gratuity Act, 1972 (hereinafter referred to as '1972 Act') by which, the benefit of gratuity has been given with regard to the service rendered by late Sh. Balbir Singh but the same has been counted for the period he had worked with the respondent-M/s Classic Automation i.e. from 09.02.2012 till 29.09.2021.

2. Being unsatisfied with the said order, an appeal has been filed on the ground that said Balbir Singh claimed to have worked for more period as he started working with M/s Brilson Hi-Tech Power Control from the year 1995, which period has been ignored while computing the entitlement of the employee qua gratuity payable, which appeal also came to be



dismissed by the appellate authority vide order dated 21.01.2025 (Annexure P/8), which orders are under challenge in the present petition.

3. Learned counsel for the petitioners argues that in the year 1995, the Balbir Singh had joined M/s Brilson Hi-Tech Power Control and he continued working with the said Industry till the year 2012 when his services were transferred to M/s Classic Automation and he continued working there till he died.

4. Learned counsel for the petitioners submits that M/s Brilson Hi-Tech Power Control and M/s Classic Automation is one of the same entity but only the benefit of gratuity in respect of the service rendered by Balbir Singh with the M/s Classic Automation has been granted by the authority concerned by recording the finding that M/s Brilson Hi-Tech Power Control and M/s Classic Automation are two different companies and the service rendered in two different companies cannot be joined so as to grant benefit of combined gratuity.

5. I have heard learned counsel for the petitioners and have gone through the record with his able assistance.

6. Nothing evident has been brought on record that M/s Brilson Hi-Tech Power Control and M/s Classic Automation is one of the same company. As per the finding recorded by the authority concerned, these are two different companies having different managements. Once, Balbir Singh had worked in two different companies, M/s Classic Automation cannot be made liable to pay benefit of gratuity qua working of Balbir Singh with M/s Brilson Hi-Tech Power Control. The findings which have been recorded by the authorities concerned is in accordance with the material evidence, which

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had brought on record.

7. Learned counsel for the petitioners submits that when the services of Balbir Singh were transferred from M/s Brilson Hi-Tech Power Control to M/s Classic Automation to M/s Classic Automation, he was given the understanding that the company is the same and therefore, there is a fraud played upon Balbir Singh. Unfortunately, Balbir Singh has expired hence, it cannot be said that the allegation being alleged, which is being attributed to Balbir Singh, whether the same is correct or not especially when no evidence has been shown to this Court to prove the said averment.

8. Keeping in view the totality of the facts and circumstances of the present case, no ground for interference by this Court is made out and the writ petition is accordingly dismissed.

9. It may be noticed that nothing evident is being mentioned with regard to the claim of the petitioners for the grant of benefit of gratuity against M/s Brilson Hi-Tech Power Control and in case, the petitioners intend to claim the said benefit from the said firm, they will be free to avail the said remedy in accordance with law.

May 29, 2025
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No