

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****140****LPA-2944-2025 (O&M)****DATE OF DECISION: 08.10.2025****M/S PRINT MAN ASSOCIATES PVT. LTD****... Appellant (s)****Versus****JYOTI THAKUR AND OTHERS****... Respondent(s)****CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL
HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present: Mr. Shlok Dalal, Advocate and
Mr. Vaibhav Jain, Advocate for the appellant.

ANUPINDER SINGH GREWAL, J. (ORAL)

The appellant-employer has impugned the judgment of the Single Bench dated 29.07.2025 whereby the writ petition preferred by it challenging the orders passed by the Controlling Authority as well as the Appellate Authority have been dismissed.

2. Learned counsel for the appellant-employer submits that although the appellant had preferred an appeal after the period of limitation but the delay ought to have been condoned as sufficient cause for condonation of delay had been made out.

3. Heard.

4. The employee-respondent No.1 was working with the appellant as an Accountant. She filed an application under the Payment of Gratuity Act, 1972 seeking inter alia, payment of gratuity due to her. The competent authority vide order dated 26.06.2024 had allowed her application and had directed the appellant to pay gratuity to her. Aggrieved thereagainst, the appellant had preferred an appeal under Section 7(7) of the Payment of Gratuity Act, 1972 (for short, 'the Act'), which was dismissed on 04.02.2025 by the Appellate Authority on the ground that the appeal had not been preferred within the limitation period and the amount awarded had not been deposited as required under Section 7 (7) of the Act.

5. Similar issue as to whether the Appellate Authority can condone delay beyond 120 days, came up for consideration before this Court in a bunch of Letters Patent Appeals (lead case bearing LPA No.1226 of 2025) decided on 27.08.2025, whereby the appeals were dismissed by holding that there is no illegality in the judgment of Single Bench wherein it was held that an appeal preferred beyond total period of 120 days cannot be condoned by the Appellate Authority. The relevant extract of the judgment in LPA-1226-2025 is reproduced hereunder:-

“7. It is provided in Section 7 of the Act that the appeal before the Appellate Authority is to be filed within 60 days and if sufficient cause is shown for the delay in preferring an appeal, another period of 60 days can be condoned by the Appellate Authority. In other words, an appeal could be filed within 60 days which could be extended by another 60 days to a total period of 120 days, if sufficient cause is shown. The appellant had preferred the appeal beyond the period of 120 days.

8. *The Single Bench has relied upon the judgment of the Supreme Court in the case of **Assistant Commissioner(CT) LTU, Kakinada and others versus Glaxo Smith Kline Consumer Health Care Limited, (2020) 19 SCC 681** wherein it has been held that the High Court in exercise of its writ jurisdiction cannot disregard the statutory period for redressal of the grievance and entertain the writ petition as a matter of course. Such an approach would render the legislative scheme and intention behind the stated provision otiose. The relevant extract of the judgment is reproduced hereunder:-*

*“We may now revert to the Full Bench decision of the Andhra Pradesh High Court in **Electronics Corporation of India Ltd. (supra)**, which had adopted the view taken by the Full Bench of the Gujarat High Court in **Panoli Intermediate (India) Pvt. Ltd. vs. Union of India & Ors.19** and also of the Karnataka High Court in **Phoenix Plasts Company vs. Commissioner of Central Excise (Appeal), Bangalore**. The logic applied in these decisions proceeds on fallacious premise. For, these decisions are premised on the logic that provision such as Section 31 of the 1995 Act, cannot curtail the jurisdiction of the High Court under Articles 226 and 227 of the Constitution. This approach is faulty. It is not a matter of taking away the jurisdiction of the High Court. In a given case, the assessee may approach the High Court before the statutory period of appeal expires to challenge the assessment order by way of writ petition 19 AIR 2015 Guj 97 20 2013 (298) ELT 481 (Kar.) on the ground that the same is without jurisdiction or passed in excess of jurisdiction by overstepping or crossing the limits of jurisdiction including in flagrant disregard of law and rules of procedure or in violation of principles of natural justice, where no procedure is specified. The High Court may accede to such a challenge and can also non-suit the petitioner on the ground that alternative efficacious remedy is available and that be invoked by the writ petitioner. However, if the writ petitioner choses to approach the High Court after expiry of the maximum limitation period of 60 days prescribed under Section 31 of the 2005 Act, the High Court cannot disregard the statutory period for redressal of the grievance and entertain the writ petition of such a party as a matter of course. Doing so would be in the teeth of the principle underlying the dictum*

of a three-Judge Bench of this Court in Oil and Natural Gas Corporation Limited (supra). In other words, the fact that the High Court has wide powers, does not mean that it would issue a writ which may be inconsistent with the legislative intent regarding the dispensation explicitly prescribed under Section 31 of the 2005 Act. That would render the legislative scheme and intention behind the stated provision otiose.”

9. *In view of the afore-noted facts and circumstances of the case especially when the Single Bench has relied upon the judgment of the Supreme Court in the case of **Glaxo Smith Kline Consumer Health Care Limited (supra)** while dismissing the writ petitions, we do not find any infirmity or perversity in the judgment of the Single Bench warranting interference in the appeal.”*

6. Consequently, this Letters Patent Appeal being devoid of merit stands dismissed in terms of the judgment dated 27.08.2025 passed by this Court in LPA No.1226 of 2025 titled ‘**The Punjab State Cooperative Supply & Marketing Federation Ltd. vs. Appellate Authority under the Payment of Gratuity Act and others**’.

7. All miscellaneous application(s) shall stand disposed of.

(ANUPINDER SINGH GREWAL)
JUDGE

(DEEPAK MANCHANDA)
JUDGE

08.10.2025

SwarnjitS

Whether speaking/reasoned : Yes / No
Whether reportable : Yes / No