

LPA-2637-2025 (O&M)

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116 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2025.PHHC:117216-DB



LPA-2637-2025 (O&M)
DATE OF DECISION : 01.09.2025

PUNJAB STATE AIDS CONTROL SOCIETY ... APPELLANT

V/S

STATE OF PUNJAB AND OTHERS ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL
HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Deepanshu Mehta, Advocate for the appellant.

* * * *

ANUPINDER SINGH GREWAL, J. (ORAL)

CM-6634-LPA-2025

This application has been filed under Section 5 of Limitation Act, 1963 for condonation of delay of 65 days in filing the appeal.

Heard.

For the reasons stated in the application, the same is allowed and delay of 65 days in filing the appeal is condoned.

Main case

This appeal has been filed by the appellant-Society for setting aside the Order dated 23.05.2025 passed in CWP No. 15057 of 2025 by the learned Single Judge whereby the writ petition preferred by it challenging the order of the Appellate Authority directing to deposit the amount as ordered by the Controlling Authority under Payment of Gratuity Act, 1972

before hearing of the appeal, has been dismissed.

2. Learned counsel for the appellant-Society submits that the appellant had preferred an application before the Appellate Authority for waiving off the requirement of pre-deposit before hearing the appeal by the Appellate Authority. However, that application has not been decided till date and the order dated 17.01.2025 (Annexure P-2) had been passed by the Appellate Authority directing the appellant to deposit the amount before hearing of the appeal.

3. Heard.

4. The appellant is stated to have preferred an appeal before the Appellate Authority challenging the order passed by the Controlling Authority dated 23.09.2024 under the Payment of Gratuity Act, 1972. The Appellate Authority by its order dated 17.01.2025 (Annexure P-2) has directed the appellant-Society to deposit the amount before it in terms of Section 7(7) of Payment of Gratuity Act, 1972. Thereagainst, the appellant preferred a writ petition before this Court which was dismissed by the learned Single Judge by its order dated 23.05.2025.

5. Section 7(7) of Payment of Gratuity Act, 1972 which provides for pre-deposit of the amount awarded by the Controlling Authority before hearing of the appeal is reproduced hereunder:-

“(7) Any person aggrieved by an order under sub-section (4) may, within sixty days from the date of the receipt of the order, prefer an appeal to the appropriate Government or such other authority as may be specified by the appropriate Government in this behalf:

Provided that the appropriate Government or the appellate authority, as the case may be, may, if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal within the said period of sixty days, extend the said period by a further period of sixty days.

Provided further that no appeal by an employer shall be admitted unless at the time of preferring the appeal, the appellant either produces a certificate of the controlling authority to the effect that the appellant has deposited with him an amount equal to the amount of gratuity required to be deposited under subsection (4), or deposits with the appellate authority such amount.

6. It is manifest from the bare reading of the aforementioned Section that a mandatory pre-deposit before the Appellate Authority for hearing of the appeal is necessary. Therefore, we do not find any manifest illegality in the judgment of the Single Bench dismissing the writ petition.

7. Consequently, the Letters Patent Appeal being devoid of any merit stands dismissed. Pending miscellaneous application(s), if any, shall also stand disposed of.

(ANUPINDER SINGH GREWAL)
JUDGE

(PARMOD GOYAL)
JUDGE

01.09.2025

Janki

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