



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(113)

CWP No. 15057 of 2025

Date of Decision : 23.05.2025

Punjab State AIDS Control Society

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

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

Harsimran Singh Sethi J. (Oral)

1. In the present petition, the challenge is to the order dated 17.01.2025 (Annexure P-2) passed by the Appellate Authority envisaged under the Payment of Gratuity Act, 1972 (hereinafter referred to as '1972 Act').

2. The Controlling Authority passed an order dated 23.09.2024 on an issue raised by the respondent No. 4-workman with regard to release of benefit of gratuity admissible to him holding therein that the respondent No. 4-workman is entitled for the gratuity against which the appeal has been preferred by the petitioner along with an application for waiving off the deposit of the amount calculated to be paid to the respondent No. 4-workman.

3. Learned counsel for the petitioner submits that no opportunity of hearing was given and straightway an order has been passed that till the amount is deposited keeping in view Rule 7 Sub Clause 7 of 1972 Act, the



appeal cannot be heard. Learned counsel submits that once the application was filed, opportunity of hearing should have given.

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

5. Once, Rule 7 Sub Clause 7 of 1972 Act, which has been reproduced in the order itself, does not provide for the discretion with the Appellate Authority to waive off the deposit of the amount while hearing the appeal, the filing of an application and seeking opportunity of hearing by the petitioner to get the said deposit of amount to be waived off is of no avail. In case, the petitioner intends to get the appeal heard on merit, they have to comply with the provisions of Rule 7 Sub Clause 7 of 1972 Act.

6. Learned counsel for the petitioner submits that this Court should exercise powers under Article 226 of the Constitution of India to grant the relief claimed herein.

7. It may be noticed that once the appeal is pending to be decided by the appellate authority, the appellate authority has to decide the appeal in accordance with the provisions of 1972 Act, no direction can be given at this stage.

8. No ground is made out for any interference by this Court in the present petition.

9. Dismissed.

May 23, 2025
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No