



CWP-6349-2023 (O&M)

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

CM-8991-CWP-2025 in/and
CWP-6349-2023 (O&M)
Decided on:03.07.2025

The Punjab State Cooperative Supply
& Marketing Federation Ltd. and another

.... Petitioners

versus

Gurdeep Singh and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Ms. Anamika Sheoran, Advocate for
Mr. Vikas Singh, Advocate
for the petitioners.

Harsimran Singh Sethi, J. (Oral)

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Present application has been filed for restoring the present petition, which was dismissed for non-prosecution on 06.05.2025 to its original position.

Notice of the application to the counsel opposite.

Mr. Himanshu Chhabra, Advocate accepts notice on behalf of respondent No.1 and raises no objection in case, the prayer made in the present application is allowed.

Keeping in view the averments made in the application, which are duly supported by an affidavit, the same is allowed.

Consequently, the writ petition is restored to its original number and status and the main writ petition is taken up for hearing today itself.



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Main case

1. In the present petition, challenge is to the order dated 27.02.2020 passed by the respondents, copy of which has been appended as Annexure P-9 by which, appeal filed by the petitioners against the order dated 25.10.2018 (Annexure P-7) passed by the controlling authority as envisaged under the Payment of Gratuity Act, 1972 has been dismissed on the ground of limitation.

2. It may be noticed that respondent No.1 had approached the controlling authority for the payment of gratuity admissible to him under the Payment of Gratuity Act, 1972 and the controlling authority passed an order on 25.10.2018 accepting the claim of respondent No.1.

3. As per the Payment of Gratuity Act, 1972, the appeal can be filed before the appellate authority against the order passed by the controlling authority within a period of 60 days and the appellate authority has the power to condone the delay by another 60 days, beyond which, there is no jurisdiction with the Appellate Authority to condone the delay so as to entertain the appeal on merits.

4. The petitioner did not file an appeal within a period of 60 days of limitation and thereafter filed an appeal against the said order along with an application for condonation of delay. The said application seeking condonation of delay was considered and rejected by the Appellate Authority on the ground that no justifiable reason has been given for condonation of delay, which order of the Appellate Authority is under challenge in the present petition.

5. I have heard learned counsel for the petitioner and have gone



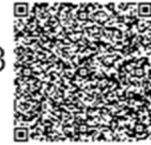
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through the records of the present case with his able assistance.

6. It is a conceded fact that against the order passed by the controlling authority dated 25.10.2018, the appeal was not preferred within a period of limitation of 60 days and an appeal was preferred vide Annexure P-8 along with an application for condonation of delay. The application for condonation of delay does not give any reason, which was beyond the control of the petitioner for not filing an appeal within the period of limitation or to give a justification that despite due diligence, the appeal could not be filed within a period of 60 days as envisaged for filing an appeal under 1972 Act.

7. It is a settled principle of law that delay cannot be condoned merely on the ground that the petitioner failed to file an appeal within the prescribed limitation. The condonation of delay can only be allowed in case justifiable reason is given that despite due diligence the appeal could not be preferred within a period of limitation. No such ground is available/mentioned by the petitioner in the application seeking condonation of delay. Further, it is a settled principle of law that upon expiry of limitation for filing an appeal, the right crystallise in the favour of the other party and the said crystallised right can only be taken in case there is a valid ground with the Court as submitted by the appellant for not filing an appeal within limitation. Administrative exigencies cannot be a valid ground for not filing an appeal within the limitation.

8. In the present case, only the administrative exigencies were cited and that too without any justification as to why, the process of filing an appeal could not be completed within a period of two months.



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9. In the totality of the circumstances, the non-grant of relief of condonation of delay especially in a case where a retired employee is awaiting his/her gratuity, needs no interference at the hands of this Court as the order so passed by the Appellate Authority is within the four corners of law the settled principle of law.

10. Accordingly, the present petition is dismissed.

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

03.07.2025
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/non-speaking?	Yes
Whether reportable?	No