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M.C.D. Vs. Nand Kishore

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SooperKanoon Citation : sooperkanoon.com/710073

Court : Delhi

Decided On : Dec-04-2002

Reported in : 2003(66)DRJ135; [2003(97)FLR158]

Judge : Anil Dev Singh and R.S. Sodhi, JJ.

Acts : Payment of Gratuity Act, 1972

Appeal No. : L.P.A. No. 415 of 2002

Appellant : M.C.D.

Respondent : Nand Kishore

Advocate for Pet/Ap. : Amita Gupta, Adv

Judgement :
ORDER

Anil Dev Singh, J.

C.M. 860/2002 :

Delay condoned.

Application stands disposed of.

LPA 415/2002:

1. We do not find any infirmity in the impugned order passed by the learned Single Judge.

2. The respondent was employed as driver in the Health Department on 10th December, 1957. He retired from service on 30th June, 1998. The appellant paid a sum of Rs. 1,09,098/- to the respondent as gratuity. The respondent not being satisfied with the amount of gratuity paid to him, filed an application before the Controlling Authority under the Payment of Gratuity Act, 1972. The Controlling Authority held the respondent entitled for an additional sum of Rs. 47,301/- which was short paid to him by the appellant. The main grievance of the appellant is that the Controlling Authority did not take into consideration delay of the respondent in filing the application under the Payment of Gratuity Act, 1972 and the rules framed there under. The grievance of the appellant is misconceived as the non-payment of gratuity due to the respondent was a continuing wrong and there was no question of any delay in approaching the Controlling Authority. Accordingly, we do not see any reason to interfere with the order passed by the Controlling Authority or the impugned order passed by the learned Single Judge. In the circumstances, the appeal fails and is thereforee dismissed.

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