
(2002) 12 DEL CK 0090

Delhi High Court

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

M.C.D.

APPELLANT

Vs

Nand Kishore

RESPONDENT

Date of Decision: Dec. 4, 2002

Citation: (2003) 66 DRJ 135 : (2003) 97 FLR 158

Hon'ble Judges: R.S. Sodhi, J; A.D. Singh, J

Bench: Division Bench

Advocate: Amita Gupta, for the Appellant;

Judgement

@JUDGMENTTAG-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 Therefore dismissed.