

CWP No.26514 of 2016 with connected cases

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

1.

CWP No.26514 of 2016

Senior Superintendent of Post Offices

...Petitioner

Vs.

Harbhajan Singh and others

...Respondents
2.

CWP No.26548 of 2016

Senior Superintendent of Post Offices

...Petitioner

Vs.

Amar Chand and others

...Respondents
3.

CWP No.26549 of 2016

Senior Superintendent of Post Offices

...Petitioner

Vs.

Bidhi Chand and others

...Respondents
4.

CWP No.26554 of 2016

Senior Superintendent of Post Offices

...Petitioner

Vs.

Bakshi Ram and others

...Respondents
5.

CWP No.26571 of 2016

Senior Superintendent of Post Offices

...Petitioner

Vs.

Lamber Ram and others

...Respondents
6.

CWP No. 3856 of 2017

Senior Superintendent of Post Offices

...Petitioner

Vs.

Tarsem Singh and others

...Respondents

7. CWP No. 3915 of 2017

Senior Superintendent of Post Offices ...Petitioner

Vs.

Ram Singh and others ...Respondents

8. CWP No. 3868 of 2017

Senior Superintendent of Post Offices ...Petitioner

Vs.

Harkewal Singh and others ...Respondents

9. CWP No. 26593 of 2016

Senior Superintendent of Post Offices ...Petitioner

Vs.

Joginder Singh and others ...Respondents

10. CWP No. 26620 of 2016

Senior Superintendent of Post Offices ...Petitioner

Vs.

Mohan Ram and others ...Respondents

11. CWP No. 3761 of 2017

Senior Superintendent of Post Offices ...Petitioner

Vs.

Mohinder Singh and others ...Respondents

Date of Decision: 28.03.2017

CORAM:- HON'BLE MR.JUSTICE RAJIV NARAIN RAINA

Present: Mr. Piyush Khanna, Advocate,
for the petitioner(s).

RAJIV NARAIN RAINA, J. (Oral)

1. This order will dispose of CWP No. 26514 of 2016,

CWP No. 26548 of 2016, CWP No. 26549 of 2016, CWP No. 26554 of 2016, CWP No. 26571 of 2016, CWP No. 3856 of 2017, CWP No. 3915 of 2017, CWP No. 3868 of 2017, CWP No. 26593 of 2016, CWP No. 26620 of 2016 & CWP No. 3761 of 2017 as common question of law and facts arise in these cases which can be decided by a joint order.

2. These petitions have been filed by the Department of Posts, Government of India, against the orders passed by the Appellate Authority, under the Payment of Gratuity Act, 1972 (in short the 'Act'). The Appellate Authority is agreed with a reasoning of the Controlling Authority that the claimant/respondent(s) have a right to gratuity under the Act.

3. The law point involved in these batch of cases is squarely covered by the decision of this Court rendered in “Senior Superintendent of Post Offices, Jalandhar Division, Jalandhar vs. Darshan Ram (through LR's) & others”, 2014 (9) SCT 120 (DB). The benefits under the Payment of Gratuity Act, 1972 are found more beneficial than the payment of gratuity scheme prevailing in the Postal Department of the Government of India. The respondents are Extra Departmental Agents (EDA) also called Gramin Dak Sewaks, an engagement which was directly considered in *Darshan Ram* case (supra) in the context of gratuity as to whether the Act will prevail or the rules of service and the answer is that the special Act enjoys primacy over other schemes in Government which are less beneficial.

4. Not only in *Darshan Ram's* case but also in an earlier decision in the “Senior Superintendent of Post Offices vs. Smt. Sham Dulari and others”, 2006 (3) SCT 577, the view was taken that the claimants had pre existing right to gratuity under the Act.

5. In view of the binding precedents of the division benches

noticed above, I find no substance in these writ petitions filed by the Senior Superintendent of Post Offices expecting a miracle to happen, and accordingly they are ordered to stand dismissed in *limine* as not requiring admission, the issue being no longer *res integra* and settled by past precedent.

(RAJIV NARAIN RAINA)

JUDGE

28.03.2017
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Whether speaking/reasoned

Yes

Whether reportable

No