

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 5179 of 2026**

=====

OIL AND NATURAL GAS CORPORATION LIMITED

Versus

CONTROLLING AUTHORITY, UNDER THE PAYMENT OF GRATUITY ACT
1972 & ORS.

=====

Appearance:

SAUMITRA CHATURVEDI(8369) for the Petitioner(s) No. 1
GOVERNMENT PLEADER for the Respondent(s) No. 1,2

=====

CORAM:HONOURABLE MR. JUSTICE ANIRUDDHA P. MAYEE

Date : 13/04/2026

ORAL ORDER

1. Heard learned advocate Mr. Saumitra Chaturvedi for the petitioner.

2. It is submitted that the petitioner is a principal employer and has been held liable for the payment of gratuity on account of the contractor's failure to discharge the statutory obligations. Learned advocate for the petitioner further submits that the issue whether the principal employer is liable for payment of gratuity of contractual worker, is pending consideration before the Hon'ble Apex Court. He further submits that similar issue was adjudicated by the Bombay High Court in the case of Cummins (I) Ltd. Vs. Industrial Cleaning Services and others reported in 2017 (3) Mh.L.J. 294 as well as and in the case of Surayakand D. Lad and others Vs. M/S Oil and Natural Gas Corporation Ltd and others. Learned advocate submits that the said judgments came to be challenged before the

Hon'ble Apex Court by way of SLP No. 48510 of 2023 wherein by the order dated 15.10.2023, a stay has been granted by the Hon'ble Apex Court and the said SLP is pending adjudication.

3. Issue Notice, returnable on **12/06/2026**.

4. In the meantime, the amount which is deposited before the respondent No.1 - Controlling Authority shall not be disbursed in favour of respondent No.3 till the next date of hearing.

(ANIRUDDHA P. MAYEE, J.)

cmk