



HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 5866 of 2026

The Divisional Manger Food Corporation Of India

.....Petitioner(s)

Versus

The Assistant Labour Commissioner Central And
Controlling Authority Under Pg Act 1972 And 3
Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Nishant Mehrotra
Counsel for Respondent(s)	:	A.S.G.I., Anju Srivastava

Court No. - 36

HON'BLE ARUN KUMAR, J.

1. Heard Sri Nishant Mehrotra, learned counsel for the petitioner and Ms. Anju Srivastava, learned counsel for the respondent nos.1, 3 and 4.
2. The present writ petition has been filed challenging the order of the Controlling Authority under the Payment of Gratuity Act, 1972, dated 27.3.2023, and the order of the appellate authority under the Payment of Gratuity Act, 1972, dated 31.12.2025.
3. It is contended by learned counsel for the petitioner that the claim set up by the respondent no.2 under Form-N as per Rule 10 before the authority itself was not maintainable, because in a disciplinary proceeding against the employee, the gratuity was forfeited under Section 4(6) of the Act of 1972. The observation of the Controlling Authority that while forfeiting the gratuity amount of the employee, no due process of law has been followed, is contrary to the records, as the employee had participated in the disciplinary proceeding and avail the remedy of appeal and revision challenging his order of punishment under the disciplinary proceeding.
4. Matter requires consideration.
5. Issue notice to respondent no.2 returnable at an early date. Steps be taken within a week by registered/speed post.
6. All the respondents may file counter affidavit within six weeks. Rejoinder affidavit, if any, may be filed within two weeks, thereafter.

7. List thereafter.

8. Till the next date of listing, no coercive action shall be taken against the petitioner in pursuance of the order of the respondent no.1, dated 27.3.2023, as upheld by the order of the respondent no.3 dated 31.12.2025, provided 50% of the amount already deposited by the petitioner is released in favour of respondent no.2 and the remaining 50% amount shall be invested in an interest bearing account in a Nationalized Bank.

(Arun Kumar,J.)

February 19, 2026

Anil