

**BEFORE THE CONTROLLING AUTHORITY UNDER THE PAYMENT
OF GRATUITY ACT, 1972 AND THE REGIONAL LABOUR
COMMISSIONER (CENTRAL), VASCO-DA-GAMA (GOA)**

Application No. RV-48(4)/2022

PRESENT

Shri Harikesh Bahadur, CLS

Shri Pushpender Kumar
S/o Shri Dhum Singh
Kuldeep Vihar, Asad Kyam
Quarsi Bye Pass Road, Aligarh
Uttar Pradesh-202002

.....Applicant

VS

The Registrar
Goa University
Taleigao Plateau
Goa-403206

.....Respondent

APPEARANCES

On behalf of the Applicant
On behalf of the Respondent

Ms. Angarati Naik, Advocate
Mr. Lester Fernandes, Advocate

BRIEF FACTS OF THE CASE

1. This is an application dated 10/04/2022 in Form-N under sub-rule (1) of Rule-10 of the Payment of Gratuity (Central) Rules, 1972 filed before the Controlling Authority appointed by the Central Government under Section 3 of the Payment of Gratuity Act, 1972, for issuing direction to the employer to pay applicable gratuity to the applicant.
2. The case came up for hearing on 25/07/2022, 20/04/2023, 16/05/2023, 04/07/2023, 26/07/2023 & 03/08/2023. However, it was attended on behalf of the applicant on 20/04/2023, 04/07/2023, 26/07/2023 and on behalf of opponent on 25/07/2022 besides attended by both the parties only on 03/08/2023.
3. During hearing the Authority required the applicant to submit evidence regarding whether establishment of the Goa University belongs to Central Government or whether it has branches in more than one State, to ascertain the jurisdiction of this Authority. On 03/08/2023 the Advocate for applicant submitted that as the Goa University was established by the Goa University Act, 1984 passed by the Legislative Assembly of Goa, Daman and Diu, and as per section 2(11) of the Act "Government" means the Government of the State of Goa. The Advocate further submitted that; the Goa University does not have any branch outside the State of Goa.

4. The Advocate further, submitted that as the applicant has filed the present application mistakenly, before the Controlling Authority and Regional Labour Commissioner (Central); now on legal advice, the applicant prays to withdraw the present application of gratuity, with liberty to file it before the appropriate authority.

DELIBERATIONS

5. In view of the above, Section-3 of the Payment of Gratuity Act, 1972 is reproduced below in verbatim:

"The appropriate Government may, by notification. Appoint any officer to be a controlling authority, who shall be responsible for the administration of this Act and different controlling authorities may be appointed for different areas."

The definition of "appropriate Government" also as given in Section 2(a) of the Payment of Gratuity Act, 1972 is reproduced below in verbatim:

"appropriate Government" means, -

- (i) *in relation to an establishment-*
 - (a) *belonging to, or under the control of, the Central Government,*
 - (b) *having branches in more than one State,*
 - (c) *of a factory belonging to, or under the control of, the Central Government,*
 - (d) *of a major port, mine, oilfield or railway company, the Central Government,*
- (ii) *in any other case, the State Government;*

It is clear from the reading of abovementioned provisions of the Act, that Central Government is not the appropriate Government in relation to Goa University, as it does not fall under any category of Section 2(a)(i) mentioned above.

ORDER

6. The Applicant is allowed to withdraw the application for claim of gratuity with liberty to file before the appropriate authority.

7. The application of gratuity is disposed as withdrawn by the applicant.

Given under my hand and seal this day on **11/08/2023**,

(Harikesh Bahadur)

Controlling Authority under Payment of Gratuity Act, 1972
and the Regional Labour Commissioner (Central)
Vasco-Da-Gama (Goa)

