

NOTICE

In WRIA No.22052 of 2020 [*Heera Man Vs. State of U.P. Through Principal Secretary Cooperative, Govt. of U.P. & Others*], the following questions have been referred to the Larger Bench :

- "1. Whether the dictum in Uttar Pradesh Co-operative Union and Ors. Vs. Prabhu Dayal Srivastava and Ors reported in 1988 Law Suit(All.) 304 and Writ Petition No. 20659 (M/S) of 2019; M.D./Chairman Administrative Committee/ occupier Lko. and Anr. Vs. Shri Krishna Bihari Yadav and Anr. has considered, enunciated and laid down the law correctly on the question of applicability of the Payment of Gratuity Act, 1972 to Co-operative Societies, including Apex Cooperative Societies registered under the U.P. Co-operative Societies Act, 1965 ?*
- 2. Whether the provisions of Section 2(4), 2(16), 3 of the Uttar Pradesh Dookan Aur Vanijya Adhishthan Adhiniyam, 1962 have to be read along with Section 1(3)(b) of the Payment of Gratuity Act, 1972 to consider and decide the applicability of the Act, 1972 to 'shops' and 'establishments' referred therein ?*
- 3. Whether any general proposition of law can be laid down regarding applicability of the Act, 1972 to Co-operative Societies referred under the Act, 1965 or this issue has to be considered on a case to case basis in the light of Section 1(3)(a) and (b) of the Act, 1972 read with Section 2(4), 2(16) and/or 3 of the Act, 1962 keeping in mind the activities of such Societies and the element of profit making etc., if any, therein ?*
- 4. Whether, in the absence of any notification by the Central Government under Section 1(3)(c) Co-operative Societies can be termed as 'establishment' or belonging to 'a class of establishments' referred in the said provision; whether it is open for the Courts to give meaning to such words bereft of any such notification ?"*

The Hon'ble Larger Bench is likely to be constituted on 01.08.2024 in Court No.3. Learned members of the Bar may appear to assist the Hon'ble Larger Bench after obtaining necessary permission from the Hon'ble Court and may submit their written submission before the Hon'ble Court in advance.

BY ORDER OF HON'BLE THE CHIEF JUSTICE
25.07.2024