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C. S. 1001

IN THE HIGH COURT OF JUDICATURE CHHATTISGARH AT BILASPUR

WRIT PETITION NO. 2734 OF 2004

PETITIONER

: South Eastern Coalfields Ltd
through Sub Area Manager, Kuresia
Colliery of SECL, Chirimiri Area,
Distt : Korea (C.G.)

V E R S U S

RESPONDENTS

- : 1. Smt. Bharti Sarkar, W/o. late
M.R. Sarkar, C/o. Shri Bikash
Sarkar, C & B Section,
GM Office, SECL, Chirimiri
Area, Distt : Korea (C.G.)
2. The Controlling Authority Under
the Payment of Gratuity Act
and Assistant Labour Commission
er (Central) Shahdol (M.P.)
3. The Appellate Authority Under
The Payment of Gratuity Act
(Regional Labour Commissioner)
Jabalpur (M.P.).

P. R. No. 2723/04
Presented by Shri. M. K. Verma
dated 19.8.04

WRIT PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION
OF INDIA

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HIGH COURT OF CHHATTISGARH : BILASPUR
WRIT PETITION NO.2734 OF 2004

PETITIONER

South Eastern Coalfields Ltd.

Versus

RESPONDENTS

Smt. Bharti Sarkar & Others

(Writ Petition under Article 226/227 of the Constitution of India)

Single Bench : Hon'ble Shri Satish K. Agnihotri, J.

Present :- Shri P.S. Koshy, Advocate for the petitioner.

Shri Gary Mukhopadhyay, Advocate for the respondent No.1.

ORDER (OPEN COURT)

(Passed on this 14th day of February, 2013)

Heard learned counsel for the parties.

1. The identical issue involved herein whether the workmen are not entitled to any of the reliefs under the Payment of Gratuity Act, 1972 particularly when they have opted for service conditions applicable to the Central Government employees came into consideration before this Court in *South Eastern Coalfields Ltd. v. Smt. Jagni Devi & Others*¹ and other connected matters. This Court rejected the petitions filed by the petitioners (SECL) holding as under :

“24. In the instant case, after nationalization of the Coal Industry, the National Coal Wage agreements were entered into by the parties providing for the wage structure and other conditions of service including the retrial benefits such as pension, gratuity, etc., were provided for the workers in coal industry. Under this agreement the maximum limit of payment of gratuity had been fixed at Rs.75,000/-. In view of sub-section (5) of Section 4 of the Act read with Section 14 of the Act, the employee can avail the benefit under the Payment of Gratuity Act; but, if he has availed the benefit under the Wage Board Agreement, to that extent the benefit under the Payment of Gratuity Act can be denied to him. Therefore, in my view both the authorities under the Act were justified in allowing the claim of the respondents-employees.”

2. In view of the above, nothing survives in this petition for adjudication and accordingly, the same is hereby dismissed. Consequently, M.(W.).P.No.2413/2004 stands disposed of.
3. No order asto costs.

Sd/-
Satish K. Agnihotri
Judge

¹ WP No.2326 of 1993 (decided on 9-5-2007)