

HIGH COURT OF CHHATTISGARH, BILASPUR**WP (L) No. 90 of 2012**

Prasen Singh Kshatriya S/o Shri Dani Singh Kshatriya, Age about 52 years, R/o Purani Basti Akaltara, Distt.Janjgir-Champa (CG)

---- **Petitioner**

Versus

1. Appellate Authority under Payment of Gratuity Act and Dy.Labour Commissioner, Office of Labour Commissioner, Meera Datar Road, Raipur (CG)
2. Controlling Authority Under Payment of Gratuity Act Distt.-Janjgir-Champa (CG)
3. Dy. General Manager, Lafarge India Pvt. Ltd. Aarasmeta Cement Plant, Gopal Nagar, Distt.Janjgir-Champa (CG)

---- **Respondents**

For Petitioner	:	Mr.K.P.S.Gandhi, Advocate
For Respondent	:	Mr.N.K.Vyas, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

29/10/2015

1. With the consent of learned counsel appearing for the parties, the matter is heard finally.
2. By the order impugned dated 9.3.2011 (Annexure P/1) the Appellate Authority has dismissed the appeal filed by the petitioner under Payment of Gratuity Act.
3. Mr.K.P.S.Gandhi, learned counsel appearing for the petitioner would submit that the appellate Authority was required to examine the appeal by going through the original record and was required to pass an reasoned and speaking order, but the Appellate Authority has neither referred the argument of the petitioner nor considered his documents & record and the order has been passed without assigning any reason dismissing the appeal.

4. Mr.N.K.Vyas, learned counsel appearing for respondent No.3 would submit that the impugned order passed by the Appellate Authority is in accordance with law.

5. After hearing learned counsel appearing for the parties, I am of the opinion that the order impugned deserves to be quashed as the Appellate Authority has failed to consider that the appeal of the petitioner in its proper prospective and in accordance with law. The Appellate Authority has neither referred the argument of the petitioner nor considered other material available on record and has passed an unreasoned order holding that upon serious consideration, no interference is called for in the order of the Controlling Authority. Such a course by the Appellate Authority is clearly arbitrary and impermissible in law. The Appellate Authority was required to consider the appeal in its proper prospective and has to meet with the submissions raised by the petitioner and has to pass a reasoned and speaking order as law is well settled in this regard.

7. In view of above, the order impugned dated 9.3.2011 (Annexure P/1) is hereby quashed. Case No.23/P.G.A./2008 is restored in its original number before the Appellate Authority under the Payment of Gratuity Act. The Appellate Authority is directed to decide the appeal of the petitioner on its own merit by reasoned order within a period of four months from the date of receipt of certified copy of this order.

8. With the aforesaid observation, the writ petition is allowed to the extent indicated above. No order as to cost(s).

Sd/-

(Sanjay K. Agrawal)
JUDGE