

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPL No. 155 of 2015

- Dinesh Kumar Soni, S/o Late Shri B.L. Soni, aged about 45 years, R/o Amapara, Dhamtari (Chhattisgarh)

---- Petitioner

Versus

1. Collector, Dhamatari (Chhattisgarh)
2. The Tehsildar, Dhamatari (Chhattisgarh)
3. Chairman, Adarsh Shikshan Samiti, through Nutan Higher Secondary School, Dhamatari (Chhattisgarh)
4. Secretary, Adarsh Shikshan Samiti, through Nutan Higher Secondary School, Dhamatari (Chhattisgarh)

---- Respondents

And

WPL No. 156 Of 2015

- P.P. Sharma, S/o Late Shri Thanudhar Sharma, aged about 81 years, R/o Shiv Chowk, Ramsagar Para, Dhamatari (Chhattisgarh)

---- Petitioner

Vs

1. Collector, Dhamatari (Chhattisgarh)
2. The Tehsildar, Dhamatari (Chhattisgarh)
3. Chairman, Adarsh Shikshan Samiti, through Nutan Higher Secondary School, Dhamatari (Chhattisgarh)
4. Secretary, Adarsh Shikshan Samiti, through Nutan Higher Secondary School, Dhamatari (Chhattisgarh)

---- Respondents

And

WPL No. 158 Of 2015

- R.G. Sinha, S/o Late Shri Vishram Sinha, aged about 80 years, R/o Maratha Para, Dhamatari (Chhattisgarh)

---- Petitioner

Vs

5. Collector, Dhamatari (Chhattisgarh)
6. The Tehsildar, Dhamatari (Chhattisgarh)
7. Chairman, Adarsh Shikshan Samiti, through Nutan Higher Secondary School, Dhamatari (Chhattisgarh)
8. Secretary, Adarsh Shikshan Samiti, through Nutan Higher Secondary School, Dhamatari (Chhattisgarh)

---- Respondents

For Petitioners	:	Shri NK Vyas, Advocate
For Respondents-State	:	Shri Gary Mukhopadhyay, DyGA for the State.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

04/11/2015

1. Petitioners have preferred these writ petitions seeking against in action of Tehsildar, Dhamatati by which execution proceeding initiated has not been completed despite memo dated 27.03.2015 communicated by the Collector, Dhamatari for execution of the order passed by the controlling authority under the Payment of Gratuity Act, 1972.
2. Shri Vyas learned counsel for the petitioners would submit that the controlling authority had passed an order in favour of the petitioners on 10-1-2014, against which respondents No.3 & 4 preferred an appeal without depositing the amount, which was a prerequisite for entertaining the appeal. When the appeal was dismissed for failure to deposit the amount, the said respondents preferred writ petition, which was disposed of by the Single Bench of this Court in WPL No.70/2014 and other connected matters,

decided on 29-4-2014.

3. In another writ petition WPS No.6558/2014 preferred by respondent No.4, this Court passed a similar order as was passed in WPS No.2953/2014, directing the State to consider the representation filed by respondent No.4 for financial assistance towards payment of gratuity *w.e.f.* the date statutory liability of payment of gratuity has been saddled on the employer.
4. Shri Vyas would submit that neither in WPS No.2953/2014, nor in WPS No.6558/2014, this Court has directed for stay of the execution proceedings, yet the Tehsildar has stayed the execution by completely misreading the order passed by this Court.
5. Having considered the orders passed by this Court in WPS No.6558/2014 and WPS No.2953/2014, it would be apparent that this Court has never directed stay of the execution of the order passed by the controlling authority or the execution proceeding pending before the Tahsildar.
6. For the foregoing, all the writ petitions are disposed of with direction to the Tehsildar, Raipur to continue with the execution proceedings and make all possible endeavor to complete the same at the earliest, preferably within a period of five months from the date of presentation of certified copy of this order.
7. It is made clear that any violation of this order shall be viewed seriously and the concerned Tehsildar may be hauled up for committing contempt of lawful authority of this Court.

Sd/-

Sanjay K. Agrawal
Judge

L/-