

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (L) No. 40 OF 2013**

Manager St. Vincent Pallotti College Lodhipara Kapa Raipur P.S.
and P.O. Pandri P.O. Tahsil and District Raipur (CG)

---Petitioner**Versus**

1. Controlling Authority Payment of Gratuity Raipur Office of Assistant Labour Commissioner Katchheri Chowk Raipur P.S. Gole Bazar Head Post Office Raipur Tahsil and District Raipur (CG)
2. Appellate Authority Payment of Gratuity and Deputy Labour Commissioner Labour Commissioner Office Shankar Nagar P.O. Shankar Nagar P.S. Civil Lines Raipur (CG)
3. Smt. Usha Kutti Verma Wd/o Late V.K. Madanmohan Verma aged about 45 years R/o MIG-26 Housing Board Colony Tatibandh P.S. Azad Chowk Raipur Tahsil and District Raipur (CG)

----Respondents

For Petitioner	: Mr. H.B. Agrawal, Senior Advocate with Mr. Pankaj Agrawal, Advocate
For Respondent No.3	: Mr. N.K. Vyas, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****15/12/2015**

1. The respondent No.3 is retired as teacher from petitioner-college. She claimed gratuity stating that she being a teacher is

entitled for gratuity under the Provision of Payment of Gratuity Act. The Controlling Authority by its order dated 29/07/2011 directed payment of Rs.1,17,589/- towards gratuity.

2. The issue as to whether teacher of added school is entitled for gratuity is decided by this Court on 11/12/2015 in **W.P. (L) No. 227 of 2014** (*St. Xavier H.S. School v. State of Chhattisgarh and Others*), in which, this Court has taken a view in paragraph-16 as under:-

“16. Thus, the Legislature has taken cognizance of the observation made by the Supreme Court in paragraph 25 of **Ahmedabad Pvt. Primary Teacher’s Assn.** case (**supra**), in which it has been held that definition of “employee” under Section 2(e) of the said Act has to be couched in the wide language as is contained in the definition of “employee” under Section 2(f) of the Employees’ Provident Funds Act, 1952 so as to include a teacher within the meaning of “employee” under Section 2(e) of the Act of 1972. Thus, taking a note of such observation, the Legislature has amended the definition of “employee” under Section 2(e) of the said Act with effect from 3rd April, 1997. The Objects and Reasons of such amendment makes the intention of the Legislature very clear to apply the provisions of the Payment of Gratuity Act to the teachers also. The amended definition is wide enough to cover the category of “teacher” for the purpose of applicability of the said Act. There is no escape but to hold that teacher is an “employee” within the meaning of Section 2(e) of the Act of 1972 and hence, the provisions

of the said Act are applicable. The said amendment has brought in force w.e.f. 3.4.1997 by virtue of Section 13-A of the Amendment Act, 2009.”

3. Thus, it is made clear that teacher of added school comes within the meaning of Section 2(e) of the Payment of Gratuity Act, as such, the Controlling Authority and Appellate Authority has rightly held that teacher of added school is entitled for gratuity, I do not find any illegality in the impugned order.

4. Accordingly, writ petition is deserves to be and is hereby dismissed.

Sd/-
(Sanjay K. Agrawal)
JUDGE