

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2335 of 2016

- Ram Khilawan Chandrakar S/o Late Shri Bhanupratap Chandrakar, Aged About 66 Years Retired Upper Division Teacher, Village Education Committee, Public Higher Secondary School, Tarra, Block Patan, District Durg, R/o Village Kharora, P.O. Bemcha, Tehsil And District Mahasamund, (Chhattisgarh)

---- Petitioner

Versus

- State of Chhattisgarh Through The Secretary, Department Of School Education, Mahanadi Bhawan, Mantralaya, Capital Complex, Naya Raipur, Police Station Rakhi, District Raipur, (Chhattisgarh)
- District Education Officer, Durg, P.O. & P.S. Durg, District Durg, (Chhattisgarh)
- President, Village Education Committee, Public Higher Secondary School, Tarra, Block Patan, District Durg, (Chhattisgarh)

---- Respondents

For Petitioner : Mr. Viprasen Agrawal, Advocate
For State / Respondent –1&2 : Mr. Sangharsh Pandey, Dy. GA
on advance copy.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

24/06/2016

Heard.

1. The petitioner's grievance is that despite order having been passed by the competent authority for payment of gratuity on 28.09.2015, the respondent employer is not making payment.
2. Upon examination of the scheme of the Payment of Gratuity Act, 1972, it is apparent that Section 8 of the Act confers power on an application, to issue a certificate for that amount to the Collector for recovery of the amount. The petitioner can very well move application before the Assistant Labour Commissioner / competent authority for issuance of a certificate for recovery of amount as arrears of land revenue along with compound interest. If such

application is moved by the petitioner, the Assistant Labour Commissioner / competent authority shall pass appropriate order expeditiously unless the order passed by the competent authority has been stayed by the appellate authority.

3. With this observation, the petition stands disposed of.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Chandra