

HIGH COURT OF CHHATTISGARH, BILASPUR

WPL No. 1715 of 2007

- Municipal Corporation, Bhilai, Through Commissioner, Municipal Corporation, Bhilai, G.E. Road, Bhilai, District Durg (Chhattisgarh)

---- Petitioner

Versus

1. The Appellate Authority (under Payment of Gratuity Act) cum Deputy Labour Commissioner, Chhattisgarh Region, Raipur (Chhattisgarh)
2. The Assistant Labour Commissioner, Controlling Officer, under Payment of Gratuity Act, Labour Division, Durg, District Durg (Chhattisgarh)
3. Shri Durga Prasad Verma, Housing Board, Industrial Area, Quarter No.1/4, Bhilai, Durg, District Durg (Chhattisgarh)

---- Respondent

And

WP No. 3068 Of 2006

- The Municipal Corporation, through the Commissioner, Municipal Corporation, Bhilai, District Durg (CG)

---- Petitioner

Vs

1. The Appellate Authority (under Payment of Gratuity Act) cum Deputy Labour Commissioner, Chhattisgarh Region, Raipur (CG)
2. The Assistant Labour Commissioner, Controlling Officer, Under Payment of Gratuity Act, Labour Division, Durg, District Durg (CG)
3. Smt. Muniya Bai, wife of late Shri Prem Singh, Resident of near Boring Well, Maroda Station, Bhilai, District Durg (CG)

---- Respondent

And

WP No. 3069 Of 2006

- The Municipal Corporation, Through the Commissioner, Municipal Corporation, Bhilai, District Durg (CG)

---- Petitioner

Vs

1. The Appellate Authority (under Payment of Gratuity Act) cum Deputy Labour Commissioner, Chhattisgarh Region, Raipur (CG)
2. The Assistant Labour Commissioner, Controlling Officer, under Payment of Gratuity Act, Labour Division, Durg, District Durg (CG)
3. Bhagat Joshi, Mother, late Sukhiya Bai, resident of through Narayan Kirana Stores, Housing Board, Bhilai, District Durg (CG)

---- Respondent

And

WP No. 3070 Of 2006

- The Municipal Corporation, through the Commissioner, Municipal Corporation, Bhilai, District Durg (CG)

---- Petitioner

Vs

1. The Appellate Authority, (under Payment of Gratuity Act) cum Deputy Labour Commissioner, Chhattisgarh Region, Raipur (CG)
2. The Assistant Labour Commissioner, Controlling Officer, under Payment of Gratuity Act, Labour Division, Durg, District Durg (CG)
3. Smt. Kaushalya Soni, wife of late Nand Kumar Soni, resident of Gali No.4, Kasaridih, Durg, Tahsil & District Durg (CG)

---- Respondent

And

WP No. 3071 Of 2006

- The Municipal Corporation, through the Commissioner, Municipal Corporation, Bhilai, District Durg (CG)

---- Petitioner

Vs

1. The Appellate Authority, (under Payment of Gratuity Act) cum Deputy Labour Commissioner, Chhattisgarh Region, Raipur (CG)
2. The Assistant Labour Commissioner, Controlling Officer, under Payment of Gratuity Act, Labour Division, Durg, District Durg (CG)

3. Babulal Kalpure, son of Tatuji Kalpure, resident of Shiv Temple, Adarsh Para, Supela, Bhilai, District Durg (CG)

---- Respondent

And

WP No. 3072 Of 2006

- The Municipal Corporation, through the Commissioner, Municipal Corporation, Bhilai, District Durg (CG)

---- Petitioner

Vs

1. The Appellate Authority, (under Payment of Gratuity Act) cum Deputy Labour Commissioner, Chhattisgarh Region, Raipur (CG)
2. The Assistant Labour Commissioner, Controlling Officer, under Payment of Gratuity Act, Labour Division, Durg, District Durg (CG)
3. Smt. Anusul Fatima, wife of late Shri Ansaar Malik, resident of E.W.S 47/19, Mother Teresa Nagar, Bhilai, District Durg (CG)

---- Respondent

And

WPL No. 6852 Of 2007

- Municipal Corporation Bhilai Through: Commissioner Municipal Corporation Bhilai, G.E. Road, Bhilai District Durg Cg

---- Petitioner

Vs

1. The Appellate Authority, (under Payment of Gratuity Act) cum Deputy Labour Commissioner, Chhattisgarh Region, Raipur (CG)
2. The Assistant Labour Commissioner, Controlling Officer, under Payment of Gratuity Act, Labour Division, Durg, District Durg (CG)
3. Smt. Jamuna Bai, Lakholi, Ward No.43, Chakki Chowk, Rajnandgaon (CG)

---- Respondent

And

WPL No. 6940 Of 2007

- Municipal Corporation Bhilai, through Commissioner, Municipal Corporation Bhilai, GE Road, Bhilai, District Durg (Chhattisgarh)

---- **Petitioner**

Vs

1. The Appellate Authority, (under Payment of Gratuity Act) cum Deputy Labour Commissioner, Chhattisgarh Region, Raipur (CG)
2. The Assistant Labour Commissioner, Controlling Officer, under Payment of Gratuity Act, Labour Division, Durg, District Durg (Chhattisgarh)
3. Smt. Rukhmani Bai Jangde, resident of Lakholi, Ward No.43, Chhakki Chowk, Rajnandgaon, District Rajnandgaon (CG)

---- **Respondent**

For Petitioner : Shri H.B. Agrawal, Sr. Advocate with Smt. Meera Jaiswal, Advocate.

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

14/12/2016

1. Petitioner Municipal Corporation, Bhilai has assailed the order passed by the Controlling Authority under the Payment of Gratuity Act, 1972 on grounds common in all the writ petitions that the respective respondent was employee of the erstwhile Special Area Development Authority, (for short 'SADA') Bhilai, which has later on merged with the Municipal Corporation, Bhilai, vide Annexure-P/1, therefore, in view of the State Government's circulars dated 25.4.2003 (Annexure-P/2) and 16.6.2004 (Annexure-P/3), the employees are not entitled for the benefit of gratuity for the reason that they have not completed 10 years service with the Municipal Corporation, Bhilai after their absorption in the Municipal

Corporation, Bhilai on account of merger of SADA, Bhilai.

2. Learned Senior Counsel would not dispute that similar issue has already been dealt with and decided against the Municipal Corporation, Korba and Bhilai in batch of writ petitions bearing WPS No.4459/2014 (Narayan Prasad Dewangan Vs. State of Chhattisgarh & Others) and 2 other writ petitions decided on 8.2.2016. Challenging the order passed in WPS No.2664/2015, the Municipal Corporation, Bhilai preferred a Writ Appeal No.185/2016 which was disposed of as infructuous by the Division Bench vide order dated 22.6.2016 observing that after the judgment the State Government has issued a memo dated 16.5.2016 directing services of the employees rendered in SADA to be calculated for the pensionary benefits.
3. In view of the above, all the Writ Petitions deserve to be and are hereby dismissed in terms of the order passed in WPS No.4459/2014, referred to above.

Sd/-
Judge
(Prashant Kumar Mishra)

Barve