

HIGH COURT OF CHHATTISGARH, BILASPUR

WPL No. 216 of 2014

1. Manager, Kisan Rice Mill Bandhabazar, Chhattisgarh Rajya Sahkari Vipnan Sangh Maryadit, Tahsil & Distt Rajnandgaon, Through Its District Manager

---- Petitioner

Versus

1. Kalu Ram Halba R/o Village Gunderdehi, Post Bandhabazar, Distt Rajnandgaon, CG Through Manoj Das, Noor Manzil, Imam Nagar, Naya Bazar, Near Daihan, Math Puraina, Raipur, Dist Raipur, Cg
2. Appellate Authority Under Payment Of Gratuity Act Cum Deputy Labour Commissioner Raipur C.G.
3. Controlling Authority Under Payment of Gratuity Act, Cum Assistant Labour Commissioner Rajnandgaon, Tahsil Distt. Rajnandgaon C.G.

---- Respondent

For Petitioner	Shri Shiv Sahu, Advocate
For Respondent No.1	Shri K.P.S. Gandhi, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

15/03/2016

1. At the very outset, learned counsel appearing for the parties would jointly and fairly submit that the issue involved in the present writ petition has already been considered and decided by this Court on 17-12-2013 in WPL No.14 of 2012
(Chhattisgarh Rajya Sahakari Vipnan Sangh Maryadit v.

Smt. Sangit Bai Deep and Others) and other connected matters, therefore, this writ petition may be disposed of in terms of the order passed in **Smt. Sangita Bai Deep** (supra).

2. This Court disposed of **Smt. Sangita Bai Deep** (supra) and other connected matters in the following terms :

10) Accordingly, the impugned orders are set aside and the matters are remitted back to the Controlling Authority for decision afresh with a further direction to record specific finding that the workmen have worked for a period of 240 days or more during the period of 12 calendar months preceding the date with reference to which the calculation is to be made.

11) Since it is the stand of learned counsel for the respondent workmen that the entire amount has been paid, it is directed that in all such cases where the amount has already been disbursed to the workmen, the same shall not be recovered till the matter is decided afresh by the Controlling Authority and thereafter, it shall be governed by the final order passed by the Controlling Authority.

3. Accordingly, the present writ petition is disposed of in terms of **Smt. Sangita Bai Deep** (supra).

4. A copy of the order passed in **Smt. Sangita Bai Deep** (supra) be placed on the record of the present writ petition. Sd/-

Judge

Prashant Kumar Mishra