

HIGH COURT OF CHHATTISGARH, BILASPUR

WA No. 488 of 2016

1. Dena Bank Through Chairman and Managing Director, Dena Bank, Dena Corporate Centre, C-10, G - Block Bandra, Kurla, Complex, Bandra East, Mumbai, 400051

---- Appellant

Versus

1. Arun Kumar Vishwakarma, Ex Officer - JM 01 Dena Bank, C-19/ Phase II, Kanchan Ganga, Colony, Raipur Chhattisgarh
2. Appellate Authority under the Payment of Gratuity Act 1972, and Regional Labour Commissioner (Central) Raipur, (CG)
3. Controlling Authority under the Payment of Gratuity Act 1972 And Assistant Labour Commissioner (Central) Raipur D- 6 others Society, Sector -1 Avanti Vihar Raipur, District Raipur (C.G.)

---- Respondents

For Appellant	:	Shri Vinod Deshmukh, Advocate
For Respondents	:	Shri Shivendu Pandya, Advocate

Hon'ble Shri Justice Pritinker Diwaker
Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board by Hon. Pritinker Diwaker, J

26/10/2016

On 28.7.2014 the Controlling Authority had passed an order for payment of gratuity to respondent No.1. Against the said order an appeal was preferred on 19.12.2014 by the appellant/Bank. However, the appeal being time barred was not entertained and was returned to the appellant Bank vide memo dated 22.12.2014 issued by Government of India.

2. According to the appellant/Bank, even if the case was time barred the appellate authority was bound to entertain the said appeal after deciding the application seeking condonation for delay in filing the appeal.

3. Undisputed facts of the case are that the appeal preferred by the appellant/Bank was beyond limitation and under the law the appellate authority has no jurisdiction to condone the delay of more than 60 days in filing the appeal. Admittedly, the appeal was preferred on expiry of 120 days after the order of the competent authority was served on the Bank. Maximum delay which the appellate authority can condone is 60 days and not beyond that and there is no dispute that in this case the appeal was preferred beyond the said period.

4. The writ Court after considering the legal position laid down by this Court in *Writ Appeal No. 349/2016 (Kirtan Ram Thakur v. State of Chhattisgarh and others)* has passed the order dismissing the writ petition *in limine*. There appears to be no illegality in the order impugned passed by the writ Court because even if the appeal was entertained by the appellate authority, the ultimate net result would have been the same as it has no jurisdiction to condone the delay beyond 120 days in any case.

5. Thus, the appeal preferred by the appellant-Bank is without any substance and therefore it is dismissed at the admission stage itself.

Sd/-
(Pritinker Diwaker)
Judge

Sd/-
(R.C.S. Samant)
Judge