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HIGH COURT OF CHHATTISGARH, BILASPUR

WPL No. 3 of 2015

Manager, Kisan Rice Mill Chhattisgarh Rajya Sahkari Vipnan Sangh
Maryadit Tah. & Dist. Dhamtari Through Its District Manager

---- Petitioner

Versus

1. Smt. Jamun Dhruv S/o Late Dukharam Dhruv R/o Vilalge Sankardah House No. 199, Post And District Dhamtari C.G.
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 Dhamtari Tah. & Dist. Dhamtari C.G.

---- Respondents

Present: Shri N.K. Vyas, counsel for the petitioner
None appears for respondent No.1 even though served.

S.B.:Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

26/07/2016

1. Learned counsel for the petitioner submits that this petition can be finally disposed off in terms of order dated 29.7.2015 passed by this Court in WPL No.203 of 2014 (*Manager, Kisan Rice Mill Bandhabazar, Chhattisgarh Rajya Sahkari Vipnan Sangh Maryadit Vs. Shri Sitaram Halba & Ors.*) and batch of petitions.
2. The petitioner in this case is challenging the order passed by the Controlling Authority under the Payment of Gratuity Act, 1972 as also the appellate order passed by the Appellate Authority under the said Act, allowing the applications of respondents-workmen for payment of gratuity.

3. In the case of Chhattisgarh *Rajya Sahakari Vipnan Sangh Maryadit Vs. Smt. Sangita Bai Deep & Ors.* and other connected matters, decided on 17th December, 2013 in WPL No.14/2012, this Court had passed the following order in paragraphs- 10 & 11:-

“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.”

4. The present petition is disposed off in the same terms with further observation that while deciding afresh, the Controlling Authority shall afford opportunity to produce material and lead evidence to both the parties.

Sd/-
(Manindra Mohan Shrivastava)
Judge