

HIGH COURT OF CHHATTISGARH, BILASPUR**WPL No. 225 of 2016**

- Md. Wasi S/o Late S. Mohammad, Aged About 61 Years R/o Qtr. No 1b/ 156 S.E.C.L. Colony, Bishrampur, Distirct Surajpur Chhattisgarh

---- Petitioner**Versus**

1. South Eastern Coalfield Limited Thorough Chairman Cum Managing Director, Seepat Road, Bilaspur Chhattisgarh
2. Sub Area Manager, South Eastern Coalfields Limited, Kumda Sub Area, Post Kumda, Colliery, Distirct Surajpur Chhattisgarh
3. Controlling Authority, Under Payment Of Gratuity Act And Regional Labour Commissioner, Central Bilaspur Distirct Bilaspur Chhattisgarh

---- Respondents

For Petitioner
For SECL

Mr. K.P. Gupta, Advocate
Mr. H.B. Agrawal, Sr. Advocate along with Mr. Sunil Sahu, Advocate

SB: Hon'ble Shri Justice P.Sam Koshy**Order On Board****30.11.2016**

1. The present Petition has been preferred assailing the order dated 27.07.2016 passed by the Controlling Authority, Payment of Gratuity Act and Regional Labour Commissioner (Central), Bilaspur.
2. The grievance of the Petitioner is non payment of interest on the gratuity amount by the Respondent employer.
3. Learned Senior Counsel for the Respondent employer submits that the gratuity was withheld on account of the non-submission of no dues certificate by the Petitioner as he has not vacated the official quarter allotted to him and further the impugned order is an appealable order, hence the present Writ Petition would not be maintainable on account of availability of the alternative efficacious remedy.

4. Taking into consideration the factual matrix of the case, particularly when Sub-section 7 of Section 7 of the Payment of Gratuity Act clearly stipulates that if the employee is not satisfied with the order passed by the Controlling Authority he can prefer an appeal before the Appellate Authority under the Payment of Gratuity Act and thus there being a statutory remedy of appeal available to the petitioner, in the opinion of this Court the present Petition in its present form is not maintainable.
5. Accordingly, the present Petition stands dismissed providing liberty to the Petitioner to prefer an appeal under the provisions of the Payment of Gratuity Act.
6. In case if the Petitioner files photo copy of the impugned order he shall be permitted to take certified copy of the impugned order.
7. With the aforesaid observation the present Writ Petition stands dismissed.

Sd/-

(P. Sam Koshy)
JUDGE