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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (L) No. 53 of 2016**

1. Mennonite Board of Christian Education Through The Chairman, R/o Dack Banglow Ward, Dhamtari, Distt Dhamtari, (Chhattisgarh)
2. Mennonite Board of Christian Education, Through The Secretary, R/o Dack Banglow Ward, Dhamtari, Distt. Dhamtari, (Chhattisgarh).

---- Petitioners**Versus**

1. P. S. Malagar S/o Late Shri Pal J. Malagar, R/o Dack Banglow Ward, Dhamtari, Distt. Dhamtari, (Chhattisgarh)
2. Appellate Authority Under Payment Of Gratuity Act, C/o Labour Commissioner, Indravati Bhawan, Capital Complex, New Raipur, Distt. Raipur, (Chhattisgarh)
3. State of Chhattisgarh Through Secretary, Department of Education, Capital Complex, New Raipur, District Raipur (Chhattisgarh)

---- Respondents**Writ Petition (L) No. 55 of 2016**

1. Mennonite Board of Christian Education Through The Chairman, R/o. Dack Banglow Ward, Dhamtari, Dist. Dhamtari (Chhattisgarh)
2. Mennonite Board of Christian Education Through The Secretary, R/o. Dack Banglow Ward, Dhamtari, Dist. Dhamtari (Chhattisgarh)

---- Petitioners**Versus**

1. K. P. Singh S/o. Late Shri Rammurat Singh R/o. Dack Banglow Ward, Dhamtari, Dist. Dhamtari (Chhattisgarh)
2. Appellate Authority Under Payment of Gratuity Act, C/o. Labour Commissioner, Indravati Bhawan, Capital Complex, New Raipur, Dist. Raipur (Chhattisgarh)
3. State of Chhattisgarh Through Secretary, Department of Education, Capital Complex, New Raipur, District Raipur (Chhattisgarh)

---- Respondents**Writ Petition (L) No. 56 of 2016**

1. Mennonite Board of Christian Education Through The Chairman, R/o Dack Banglow Ward, Dhamtari, Distt. Dhamtari, (Chhattisgarh)
2. Mennonite Board of Christian Education, Through The Secretary, R/o Dack Banglow Ward, Dhamtari, Distt. Dhamtari, (Chhattisgarh)

---- Petitioners

Versus

1. L. P. Soni S/o Shri B.P.Soni, R/o Dack Banglow Ward, Dhamtari, Distt. Dhamtari, (Chhattisgarh)
2. Appellate Authority Under Payment of Gratuity Act, C/o Labour Commissioner, Indravati Bhawan, Capital Complex, New Raipur, Distt. Raipur, (Chhattisgarh)
3. State of Chhattisgarh Through Secretary, Department Of Education Capital Complex, New Raipur, District Raipur (Chhattisgarh)

---- Respondents**Writ Petition (L) No. 57 of 2016**

1. Mennonite Board of Christian Education Through The Chairman, R/o Dack Banglow Ward, Dhamtari, District Dhamtari (Chhattisgarh).
2. Mennonite Board of Christian Education, Through The Secretary, R/o Dack Banglow Ward, Dhamtari, District Dhamtari (Chhattisgarh).

---- Petitioners**Versus**

1. R. J. Saiman S/o Late Shri J. G. Saiman, R/o Dack Banglow Ward, Dhamtari, District Dhamtari (Chhattisgarh).
2. Appellate Authority, Under Payment of Gratuity Act, C/o Labour Commissioner, Indravati Bhawan, Capital Complex, New Raipur, District Raipur (Chhattisgarh).
3. State of Chhattisgarh Through Secretary, Department Of Education, Capital Complex, New Raipur, District Raipur (Chhattisgarh)

---- Respondents**&****Writ Petition (L) No. 54 of 2016**

1. Mennonite Board of Christian Education Through The Chairman, R/o Dack Banglow Ward, Dhamtari, Distt. Dhamtari, (Chhattisgarh)
2. Mennonite Board of Christian Education, Through The Secretary, R/o Dack Banglow Ward, Dhamtari, Distt. Dhamtari, (Chhattisgarh)

---- Petitioners**Versus**

1. V. K. Johnson S/o Shri P. Johnson, R/o Dack Banglow Ward, Dhamtari, Distt Dhamtari, (Chhattisgarh)
2. Appellate Authority Under Payment of Gratuity Act, C/o Labour Commissioner, Indravati Bhawan, Capital Complex, New Raipur, Distt. Raipur, (Chhattisgarh)
3. State of Chhattisgarh Through Secretary, Department Of Education, Capital Complex, New Raipur, District Raipur (Chhattisgarh)

---- Respondents

For Petitioners	:	Shri Sudip Johri, Advocate.
For Respondent No.1	:	Shri RS Patel, Advocate.
For Respondent/State	:	Shri SP Kale, Deputy Advocate General.

Hon'ble Shri Justice P. Sam Koshy

Order On Board

16/11/2016

1. Since the common facts and issues are involved in this batch of petitions, they are being disposed of by this common order, leading case of which is Writ Petition (L) No.53 of 2016.
2. Learned counsel appearing for the petitioners submits that this petition was filed assailing the order passed by the appellate authority dated 27.12.2014 in Appeal Case No.152/PGA/2014 whereby the appellate authority had affirmed the order of the controlling authority granting the relief of payment of gratuity to the respondent No.1 vide its order dated 02.04.2014 in Case No.211/PGA/2013.
3. Shri Johri, learned counsel appearing for the petitioners fairly accepts the fact that pending the petition before this court, the petitioner has released the entire amount awarded by the controlling authority and has been paid to the respondent No.1. He also concedes the fact that the entitlement of respondent No.1, retired teachers of the petitioner's establishment payment of gratuity stands decided by the decision of Supreme Court and that issue also stands no longer res-integra.
4. The only issue or grievance which the petitioners have is the fact that since the petitioner's institution is an aided institution whereby the salary part of the staff of petitioner's institution including teachers are being

aided by the State Government, the liability of payment of gratuity also has to be borne by the State Government as the petitioner's establishment does not have sufficient source of income to meet the expenses towards the gratuity of the teachers retiring from the said institution.

5. On consideration of the facts, it is revealed that this issue also stands redressed by the State government by recently issuing a circular dated 07.06.2013 whereby the State Government has accepted the liability of payment of gratuity to the teachers of the aided institution also, but with a cut off date of liability arising subsequent to the 07.06.2013.
6. Counsel for the petitioners, at this juncture, submits that as of now he may be permitted to withdraw these petitions with liberty to challenge the said circular so far as cut off date fixed by the State Government that of 07.06.2013 is concerned so that the petitioner's institution would get the amount refunded from the State Government, if they succeed.
7. The said prayer is not opposed by the counsel for the respondent No.1 as well as the State.
8. Accordingly, all the petitions are dismissed as withdrawn with the aforesaid liberty. No order asto costs.

Sd/-
(P.Sam Koshy)
Judge