

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPL No. 79 of 2016

Ambika Mission Boys Middle School Ambikapur, Through : Its
Manager Robert Tigga, S/o. Abraham Tigga, Aged About 42 Years,
R/o. Ambika Mission Boys Middle School, Ambikapur, District
Surguja (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through : Its Chief Secretary, Secretariat,
Mahanadi Bhawan, Mantralaya, Capital Complex, New Raipur,
District Raipur (Chhattisgarh)
2. Principal Secretary, Department Of Education, Govt. Of Chhattisgarh,
Secretariat, Mahanadi Bhawan, Mantralaya, Capital Complex, New
Raipur, District Raipur (Chhattisgarh)
3. Commissioner, Department Of Public Instruction, Govt. Of
Chhattisgarh, Secretariat, Mahanadi Bhawan, Mantralaya, Capital
Complex, New Raipur, District Raipur (Chhattisgarh)
4. District Education Officer, Ambikapur, District Surguja (Chhattisgarh)
5. Shri Barnabas Kujur, S/o. Late Augustine Kujur, Retd. Teacher, R/o.
Village Fundurdehari (Beechpara), Ambikapur, Police Station And
Post Ambikapur, Civil & Revenue District Surguja (Chhattisgarh)
6. Controlling Authority, Payment Of Gratuity Act, Ambikapur, Surguja,
District Surguja (Chhattisgarh), Under Payment Of Gratuity Act 1972,
Office Of Labour Officer, Ambikapur, Distt. Surguja, (Chhattisgarh)

---- Respondents

For Petitioner	:	Shri Manoj Paranjpe, Advocate
For Respondent-State	:	Shri S.P. Kale, Dy. A.G., on advance copy

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

Order On Board

15/09/2016

Heard.

1. Learned counsel for the respondents fairly submits that the legal position adumbrated by this Court vide order dated 27.04.2016 passed in **WP(L) No.80 of 2016 (Ambika Mission Boys Middle School Vs. State of Chhattisgarh and others)**, would also apply, on facts, in the case of the petitioner also.

2. In view of the aforesaid submission made by learned State Counsel, I am inclined to dispose off this petition also on the lines as the order passed in the case of **WP(L) No.80 of 2016 on 27.04.2016**, it is directed that the petitioner shall be allowed to implead the State of Chhattisgarh through the concerned department and thereafter the Appellate Authority may proceed to decide the appeal in accordance with law after issuing notice to the State of Chhattisgarh. It is further directed that the steps for impleadment of the Appellate Authority and issuance of notice be completed within 30 days and thereafter the appeal be disposed off by the Appellate Authority within a further period of four months.

3. It is made clear that this Court has not expressed any opinion on the liability of the State of Government in respect of providing grant in aid to the petitioner institution, which shall remain open to be adjudicated by the Appellate Authority.

Sd/-
(Manindra Mohan Shrivastava)
Judge