

NAFR**HIGH COURT of CHHATTISGARH, BILASPUR****Writ Petition (L) No. 73 of 2017**

Ram Kumar Mochi S/o Late Shri Sukhu Mochi, aged about 63 years, Ex-Senior Overman, R/o Quarter No 2 A /33, Vishrampur District Surajpur, Chhattisgarh

---- Petitioner**Versus**

1. South Eastern Coalfields Limited through its Managing Director, S.E.C.L. Headquarter, Seepat Road, Bilaspur, Chhattisgarh
2. The Sub Area Manager, S.E.C.L. O.C.P. Amera Bishram Area District Surajpur, Chhattisgarh Pin 497226
3. The Deputy Chief Labour Commissioner, Central Cum Appellate Authority, Jabalpur, Central Circuit Raipur, District Raipur, Chhattisgarh
4. The Controlling Authority and the Regional Labour Commissioner, Central Bilaspur, Chhattisgarh
5. The Estate Officer, South Eastern Coalfields Limited, (Mini Ratna) Vishrampur Area, District Surajpur, Chhattisgarh

---- Respondents

For Petitioner	:	Shri Rahul Mishra, Advocate
For respondent-SECL	:	Shri K. K. Shrivastava

Hon'ble Shri Justice P. Sam Koshy**Order On Board****08/03/2017**

The defaults as pointed out by the Registry are ignored.

2. Heard on admission.
3. The present petition has been filed assailing the order dated 20.06.2016 (Annexure P-1) passed by the Appellate Authority under the payment of Gratuity Act, 1972. Vide the impugned order the Appellate Authority has rejected the appeal of the Management of SECL preferred against the order of the Controlling Authority under the Payment of Gratuity Act whereby the Controlling Authority vide its order dated

09.11.2015 in Case No. BSP-36(8)/2014-RLC had ordered the Management for payment of rupees ten lakhs as gratuity to the petitioner.

4. At the outset, this Court is not inclined to entertain the writ petition for the simple reason that the claim for interest was not raised by the petitioner employee after the Controlling Authority had passed the order nor has he challenged the order of the Controlling Authority before the Appellate Authority. The impugned order is an order which was passed at the behest of the Management of SECL whose appeal was rejected by the Appellate Authority. The petitioner has not challenged the order of the Controlling Authority for not granting interest on the gratuity amount. Therefore, the petitioner does not have a right to file the writ petition straightaway in the High Court without challenging the order of the Controlling Authority before the Appellant Authority.

5. The present writ petition therefore is liable to be and is accordingly dismissed on this ground alone.

(P. Sam Koshy)
JUDGE