

HIGH COURT OF CHHATTISGARH, BILASPUR**WPL No. 4548 of 2010**

Sukhiram, aged about 63 yrs., S/o Tangu Village Sumedha, P/o
Bankimorgra, Distt. Korba (Cg)

---- Petitioner

Versus

1. Sub Area Manager, Banki Colliery, P.O. Bamkimongra, Distt. Korba(CG)
3. Appellate Authority Under The Payment Of Gratuity Act/ Regional Labour Commissioner (Central) D-6, Adarsh Society, Sector-1, Avanti Vihar Raipur (Cg)
4. Controlling Authority Under The Payment Of Gratuity Act / Assistant Labour Commissioner (Central) Main Road, Torwa, Bilaspur (Cg)

---- Respondents

For Petitioner	:	Mr. Gary Mukhopadhyay, Advocate
For Respondents	:	Mr. Vinod Deshmukh, Advocate

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

21/08/2017

Heard.

1. This case is squarely covered by order dated 11.04.2017 passed by this Court in WPL No.5373 of 2011 (Shyamdas Vs. Sub Area Manager and others) as the petitioner, therein, happens to be the brother of the present petitioner and both are facing same criminal charges and the petitioner's criminal revision is also pending consideration before this Court. Moreover, reason for non-releasing gratuity, the same as was raised in the case of Shyamdas (supra), Therefore, in these circumstances, this Court is inclined to pass similar order as in the case of Shyamdas (supra). The impugned order Annexure P/1 by which, petitioner's appeal has been rejected, is quashed. The matter is remitted to the Controlling authority for deciding the petitioner's case afresh. The Controlling Authority is directed to take appropriate steps

for consideration of petitioner's application for grant of gratuity in accordance with law in view of the fact that the order of conviction of the petitioner has already been suspended by this Court.

2. No order as to costs.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Rekha