

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 389 of 2017**

(Arising out of order dated 13.06.2017 in Writ Petition (L) No.112 of 2017 of the learned Single Judge)

- Chief Executive Officer Zila Sahakari Kendriya Bank Maryadit Bilaspur (Chhattisgarh) Head Office G. E. Road Nehru Chowk Bilaspur District Bilaspur (Chhattisgarh).

---- Appellant

Versus

1. Shri Samaylal Yadav S/o S/o Late Shri Jawahar Lal Yadav, R/o Village And Post Rasota, Tahsil Pamgarh, District Janjgir Champa, Chhattisgarh.
2. Assistant Labour Commissioner, Office Of The Controlling Authority Of Payment Of Gratuity Act 1972, Bilaspur, Chhattisgarh.
3. Deputy Labour Commissioner, Office Of The Appellate Authority Under The Payment Of Gratuity Act 1972, Indrawati Bhawan Office Of The Labour Commissioner Naya Raipur, Chhattisgarh.

---- Respondents

For Appellant : Shri Jitendra Shrivastava and
Shri Sanjay Patel, Advocates

Hon'ble Thottathil B. Radhakrishnan, Chief Justice
Hon'ble Shri Justice Sharad Kumar Gupta
Order on Board

Per Thottathil B. Radhakrishnan, Chief Justice

12.10.2017

1. We have heard the learned Counsel for the Appellant which is an Establishment under the Payment of Gratuity Act, 1972; for short, 'P.G. Act'. This appeal is instituted with an application seeking condonation of delay in instituting the appeal. We therefore considered the merits of the appeal as well.

2. The statutory authority had passed an order under the P.G. Act. That has been confirmed in the statutory appeal, on facts. The learned Single Judge adverted to and considered the relevant facts and factors of the case and has concluded specifically that there was no other way for the appellate authority under the P.G. Act to conclude the matter. It also noted that there is no perversity in the appreciation of material facts and particulars by the original authority or the appellate authority under the P.G. Act. With such reasons, the learned Single Judge had refused to interfere with the order of the appellate authority.

3. We do not find any legal infirmity, jurisdictional error or illegality in appreciating the material facts by the learned Single Judge warranting interfere by us in terms of Section 2(1) of the Chhattisgarh High Court (Appeal to Division Bench) Act, 2006. This appeal therefore fails. Hence, no useful purpose would be served to condone the delay in filing the appeal.

4. For the aforesaid reasons, this appeal as well as the application seeking condonation of delay are dismissed in *limine*. The 1st Respondent had retired from service on 31.1.2012. Let the amounts due to him be released by the Appellant at the earliest.

Sd/-

(Thottathil B. Radhakrishnan)
Chief Justice

Sd/-

(Sharad Kumar Gupta)
Judge