

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Writ Petition (S) No. 1024 of 2017**

1. Manoj Kumar S/o Gandhi, aged about 36 years, Ward No. 3, West Chirimiri, District Korea (Chhattisgarh).
2. Sneha Samundre, aged about 12 years, Minor, Through Its Natural Guardian Manoj Kumar aged about 36 Years, S/o Gandhi, Ward No. 3, West Chirimiri, District Korea (Chhattisgarh).
3. Nirjala Samundre, aged about 10 years, Minor, Through Its Natural Guardian Manoj Kumar aged about 36 Years, S/o Gandhi, Ward No. 3, West Chirimiri, District Korea (Chhattisgarh).
4. Yashika Samundre, aged about 6 years, Minor, Through Its Natural Guardian Manoj Kumar aged about 36 Years, S/o Gandhi, Ward No. 3, West Chirimiri, District Korea (Chhattisgarh).

---- Petitioners**Versus**

1. South Eastern Coalfields Limited through its Chairman Cum Managing Director, Seepat Road, Bilaspur, Chhattisgarh.
2. General Manager, South Eastern Coalfield Limited, Malaviya Nagar, Chirimiri, District Korea, Chhattisgarh.
3. Area Personnel Manager, Chirimiri Colliery, South Eastern Coalfield Limited, District Korea, Chhattisgarh.
4. Controlling Authority Under Payment of Gratuity Act, 1972, Regional Labour Commissioner (Central) Bilaspur (Chhattisgarh).

---- Respondents

For Petitioners	:	Shri Parag Kotecha, Advocate
For Respondents/SECL	:	Shri Vinod Deshmukh, Advocate on advance copy

Hon'ble Shri Justice P. Sam Koshy**Order On Board****02/03/2017**

The present writ petition has been filed by the petitioners with a limited prayer that the order of the Controlling Authority under the Payment of Gratuity Act dated 19.01.2017 may be modified to the extent that the interest accruing to the minor petitioners from the amount which has been ordered to be kept in Fixed Deposit in the Nationalized bank in their names may be permitted to be released for sustenance.

2. Without entering into the merits of the case, the prayer sought for by the petitioners cannot be entertained by this Court in exercise of its writ jurisdiction as for the modification the petitioners intend in the impugned order, they would have to first make an attempt before the same Authority i.e. the Controlling Authority, if not before the Appellate Authority and only thereafter the petitioners have a right to file a writ petition.

3. With the aforesaid observation and liberty, the present writ petition stands dismissed.

**Sd/-
(P. Sam Koshy)
JUDGE**