

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (L) No. 247 of 2014**

Manager, Kisan Rice Mill, Dhamtari, Chhattisgarh Rajya Sahkari Vipnan Sangh Maryadit, Tahsil and District Dhamtari (C.G.), Through, its District Manager

----Petitioner

Versus

1. Shri Devi Lal Dhruv, S/o Labhela, Resident of village Aghari Nawagaon, Post Dhamtari, District Dhamtari (C.G.), through Manoj Das, Noor Manzil, Imam Nagar, Naya Bazar, Near Daihan, Math Puraina, Raipur, District Raipur (C.G.)
2. Appellate Authority under Payment of Gratuity Act-cum-Deputy Labour Commissioner, Raipur (C.G.)
3. Controlling Authority under Payment of Gratuity Act, Cum- Assistant Labour Commissioner, Dhamtari, Tahsil and District Dhamtari (C.G.)

---- Respondents.

For Petitioner	: Mr. N.K. Vyas, Advocate.
For Respondent No. 1	: Mr. K.P.S. Gandhi, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

19/06/2018

(1) Learned counsel appearing for the parties would submit that the issue raised in this writ petition is squarely covered with the decision rendered by coordinate bench of this Court in Writ Petition (L) No. 14 of 2012 (**Chhattisgarh Rajya Sahakari Vipnan Sangh Maryadit Vs. Smt. Sangita Bai Deep & others**) & other connected matters, decided on 17th December, 2013, therefore, this writ petition may be disposed of in terms of paragraph 3 of the aforesaid order, which read as under:-

“3. In WPL No. 14/2012, referred to above, this Court had passed the following order in paragraphs-10 & 11:-

“10. Accordingly, the impugned orders are set aside and the matters are remitted back to the Controlling Authority for decision afresh with a further direction to record specific finding that the workmen have worked for a period of 240 days or more during the period of 12 calendar months preceding the date with reference to which the calculation is to be made.

11. Since it is the stand of learned counsel for the respondent workmen that the entire amount has been paid, it is directed that in all such cases where the amount has already been disbursed to the workmen, the same shall not be recovered till the matter is decided afresh by the Controlling Authority and thereafter, it shall be governed by the final order passed by the Controlling Authority.”

(2) In view of above, the writ petition stands disposed of in terms of paragraph 3 of the decision rendered by the coordinate bench of this Court in Writ Petition (L) No. 14 of 2012 (**Chhattisgarh Rajya Sahakari Vipnan Sangh Maryadit Vs. Smt. Sangita Bai Deep & others**) & other connected matters, decided on 17th December, 2013 with further observation that the Controlling Authority shall afford opportunity to produce material and lead evidence to both the parties, while deciding the matter afresh.

(3) Certified copy, as per rules.

Sd/-

(**Sanjay K. Agrawal**)
Judge

D/-