

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (L) No. 1774 of 2010**

State Bank of Indore, Raipur Branch through Assistant General Manager, State Bank of Indore, Regional Office, Railway Crossing, Ring Road Junction, National Highway No. 6, Telebandha, Raipur (C.G.)

---- Petitioner

Versus

1. Controlling Authority under the Payment of Gratuity Act, 1972 and Assistant Labour Commissioner [Central], L-7, Sector-1, Extension, Awanti Vihar, Raipur (C.G.)
2. Appellate Authority under the Payment of Gratuity Act, 1972 and Regional Labour Commissioner [Central], L-7, Sector-1, Extension, Awanti Vihar, Raipur (C.G.)
3. Shri Shankar Lal Dheewar, S/o Shri Itwarilal Dheewar, R/o. Ward No. 26, Near Kushabhau Thakre, Mova Daldal, District Raipur at present Village Borsi, PO Kapasad, Thana Kumhari, Distt. Durg (C.G.)

---- Respondents

Writ Petition (L) No. 1775 of 2010

State Bank of Indore, Bhilai Branch Through the Assistant General Manager, State Bank of Indore, Regional Office, Railway Crossing, Ring Road Junction, National Highway No. 6, Telebandha, Raipur (C.G.)

---- Petitioner

Versus

1. Controlling Authority under the Payment of Gratuity Act, 1972 and Assistant Labour Commissioner [Central], L-7, Sector-1, Extension, Awanti Vihar, Raipur (C.G.)
2. Appellate Authority under the Payment of Gratuity Act, 1972 and Regional Labour Commissioner [Central], L-7, Sector-1, Extension, Awanti Vihar, Raipur (C.G.)
3. Shri Ishwarlal Chandrakar, R/o Block 4R, Street No. 20, Sector 6, Bhilai, Distt. Durg (C.G.)

---- Respondents

Writ Petition (L) No. 2046 of 2010

State Bank of Indore, Motibagh Branch, Raipur Through Assistant General Manager, State Bank of Indore, Regional Office, Railway Crossing, Ring Road Junction, National Highway No. 6, Telebandha, Raipur (C.G.)

---- Petitioner

Versus

1. Controlling Authority under the Payment of Gratuity Act, 1972 and Assistant Labour Commissioner [Central], L-7, Sector-1, Extension, Awanti Vihar, Raipur (C.G.)
2. Appellate Authority under the Payment of Gratuity Act, 1972 and Regional Labour Commissioner [Central], L-7, Sector-1, Extension, Awanti Vihar, Raipur (C.G.)
3. Shri Laxman Dewangan, S/o Shri Manbodh Dewangan, R/o Bajrang Chowk, Mathpara, Near Kumhar's House, Raipur (C.G.)

---- Respondents

Writ Petition (L) No. 1981 of 2010

State Bank of Indore, Raipur Branch through Assistant General Manager, State Bank of Indore, Regional Office, Railway Crossing, Ring Road Junction, National Highway No. 6, Telebandha, Raipur (C.G.)

---- Petitioner

Versus

1. Controlling Authority under the Payment of Gratuity Act, 1972 and Assistant Labour Commissioner [Central], L-7, Sector-1, Extension, Awanti Vihar, Raipur (C.G.)
2. Appellate Authority under the Payment of Gratuity Act, 1972 and Regional Labour Commissioner [Central], L-7, Sector-1, Extension, Awanti Vihar, Raipur (C.G.)
3. Shri Rajesh Kumar Beri, S/o Shri Tikaram Beri, R/o Near Hanuman Nagar, Lakhenagar Ward, Behind Maa Durga Mandir, Near Konkar Kirana Stores, Raipur (C.G.)

---- Respondents

For Petitioner : Mr. Vinod Deshmukh, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

07/05/2018

(1) Since all the writ petitions involve common question of law and fact, they are heard together and being disposed of by this common order.

(2) The application preferred by respondent No. 3- employee claiming gratuity was allowed by the Controlling Authority under the Payment of Gratuity Act, 1972 (henceforth "PG Act, 1972"); that has been affirmed in appeal by the appellate authority by the impugned order, against which instant writ petitions have been filed questioning the same.

(3) Learned counsel for the petitioner would submit that respondent No. 3 in all the cases are not the regular employees of the Bank and they did not complete 5 years continuous service as per the PG Act, 1972 and, therefore, they are not entitled for gratuity, as such, both the authorities have committed jurisdictional illegality in granting the application.

(4) I have heard learned counsel appearing for the petitioner and perused the order impugned with utmost circumspection.

(5) The Controlling Authority as well as the Appellate Authority has clearly held that respondent No. 3- employee is covered under the definition of Section 2(e) of the PG Act, 1972 and completed five years of continuous service as required under the PG Act, 1972. The aforesaid finding recorded by the Controlling Authority as affirmed by the Appellate Authority is based on material available on record, which do not call for any interference by this court in the instant writ petitions.

(6) Accordingly, the writ petitions, being devoid of merit, are liable to be and are hereby dismissed.

Sd/-
(Sanjay K. Agrawal)
Judge

D/-

