

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WP(L) No. 4899 of 2011**

M/s P. D. Bidi Company, through power of attorney holder of partners,
Prem Kumar Yadav, S/o Maikulal Yadav, aged about 62 years, R/o Bastar
Road, Dhamtari, Tahsil and District Dhamtari (C.G.)

---- Petitioner**Versus**

1. Appellate Authority under the Payment of Gratuity Act, 1972 and In-charge Deputy Labour Commissioner, Chhattisgarh, Raipur, Office of the Labour Commissioner, Chhattisgarh, Raipur (C.G.)
2. Controlling Authority and Assistant Labour Commissioner, Raipur (C.G.)
3. Shiv Kumar S/o Mohan Lal Sahu, R/o Village Danitola, District Dhamtari (C.G.)

---- Respondents

For Petitioner	:	Mr. B. D. Guru, Advocate.
For Respondents/ State	:	None

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****11/05/2018**

(1) Learned counsel appearing for the petitioner would submit that the issue raised in this writ petition is squarely covered with the decision rendered by the coordinate bench of this Court in Writ Petition (L) No. 4898 of 2011 (**M/s P.D. Bidi Company Vs. Appellate Authority under the Payment of Gratuity Act, 1972 & others**), decided on 02.01.2018, therefore, this writ petition may be disposed of in terms of paragraphs 4 & 5 of the aforesaid order, which read as

under:-

“4. What may or may not have transpired before the Appellate Authority cannot be urged before this Court when there is no such recital contained in the order sheet. If the petitioner was of the opinion that his argument had not been correctly recorded, the proper remedy was to move before the Appellate Authority immediately.

5. On merits, the petitioner has not furnished any valid ground for not appearing despite valid service of notice. The opportunity to assail the ex-parte order was also wasted away by not complying with the statutory requirement of pre-deposit. The Court finds no reason to interfere. An identical Writ Petition (L) No. 4897 of 2011 has also been decided by this Court vide order dated 21.01.2016, wherein similar view has been taken.”

(2) In view of above, the writ petition stands disposed of in terms of paragraph 4 & 5 of the decision rendered by coordinate bench of this Court in Writ Petition (L) No. 4898 of 2011 (**M/s P.D. Bidi Company Vs. Appellate Authority under the Payment of Gratuity Act, 1972 & others**), decided on 02.01.2018

(3) Certified copy, as per rules.

Sd/-

(Sanjay K. Agrawal)
Judge

