

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPL No. 189 of 2012

1. State of Chhattisgarh, through the Secretary, Department of Public Works Department, Mahanadi Bhawan, Mantralaya, Raipur (C.G.)
2. The Executive Engineer, Public Works Department, Division – 01, District Raipur (C.G.)
3. The Sub Divisional Officer, Public Works Department, Division – 01, District Raipur (C.G.)

---- Petitioners

Versus

Banshi Yadav, S/o Late Jati Yadav, R/o Shyam Nagar, Raipur, District Raipur
P.S. Telibandha, Raipur (C.G.)

---- Respondents

And

WPL No. 190 of 2012

1. State of Chhattisgarh, through the Secretary, Department of Public Works Department, Mahanadi Bhawan, Mantralaya, Raipur (C.G.)
2. The Executive Engineer, Public Works Department, Division – 01, District Raipur (C.G.)
3. The Sub Divisional Officer, Public Works Department, Maintenance Division, District Raipur (C.G.)

---- Petitioners

Versus

Smt. Chaiti Bai, W/o Dhasrath, R/o Rajender Nagar, Near Gausala, Raipur,
P.S. Civil Line, Raipur, District Raipur (C.G.)

---- Respondents

For Petitioners : Mr. S.P. Kale, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

23/04/18

1. Both these writ petitions have been preferred against the order passed by the Controlling Authority under the Payment of Gratuity Act, 1972 (for brevity 'Act of 1972'), whereby the claim of respondents have been allowed holding the petitioners / State department to pay gratuity amount along with interest to the respondents.
2. Mr. S. P. Kale, learned Deputy Advocate General appearing for the petitioners / State submits that the impugned order passed is unsustainable and illegal in law and is liable to be set aside.
3. I have heard learned counsel for the petitioner and perused the impugned order with utmost circumspection.
4. Undisputedly, the order of the Controlling Authority is appealable under Section 7(7) of the Act of 1972 and as such, the petitioners / State having efficacious alternative remedy of appeal, these writ petitions are not maintainable. However, petitioners would be at liberty to proceed further in accordance with law.
5. Accordingly, the writ petitions are held to be not maintainable and are disposed of with liberty to the petitioners to prefer an appeal before the appropriate authority under Section 7(7) of the Act of 1972. No. cost(s).
6. Certified copy of the impugned order be returned to learned counsel for the petitioner on furnishing attested photo copy thereof.

Sd/-

(Sanjay K. Agrawal)
Judge