

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPL No. 265 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 Bhagi Ram Dhruv, 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 Labor 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 Petitioners	:	Mr. N. K. Vyas, Advocate.
For Respondents	:	Mr. Lav Sharma, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****18/07/2018**

1. Learned counsel for the parties would submit that the issue involved in this writ petition is squarely covered with the decision rendered by this Court in **WPL No. 14 of 2012; (Chhattisgarh Rajya Sahakari Vipnan Sangh Maryadit v. Smt. Sangita Bai Deep and Others)**, decided on 17th December, 2017 in which it has been held in paragraphs 10 & 11 as under :-

“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 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. The present writ petition is also disposed of in same terms with further observation that while deciding afresh, the Controlling Authority shall afford opportunity to produce material and lead evidence to both the parties.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-