

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (L) No. 170 of 2014**

1. State of Chhattisgarh Through – Its Secretary, Government of Chhattisgarh, Department of Water Resources, Mahanadi Bhawan, New Mantralaya, Naya Raipur, P.S. Mandir Hasoud, Revenue and Civil District, Raipur (C.G.)
2. The Executive Engineer, Water Resources Department, Kharang Division, Bilaspur, Civil and Revenue District Bilaspur (C.G.)

----Petitioners**Versus**

1. Sukhdev Suryawanshi, S/o Shir Taijau, Resident of Village Bharvidih, Post Sarvandeori, Police Station Ratanpur, Tehsil, Civil and Revenue District Bilaspur, (C.G.)
2. Ram Khilawan, S/o Shri Jugru Ram, Resident of Village Semri, Post Singhari, Police Station Ratanpur Tehsil, Civil and Revenue District, Bilaspur (C.G.)
3. Fenkulal Suryawanshi, S/o Shri Ghanaram Suryawanshi, Resident of Village Bharari, Post Singhari, Police Station Ratanpur, Tehsil Civil and Revenue District Bilaspur (C.G.)
4. Chhotu Sahu, S/o Shri Baliram Sahu, Resident of Village Kirari, Post & Tehsil Seepat, P.S. Masturi, Civil and Revenue District Bilaspur (C.G.)
5. Videshi Bhoi, S/o Shri Itwari, Resident of Village Janji, Sub Tehsil Seepat, P.S. Seepat, Civil and Revenue District Bilaspur (C.G.)
6. Saupat Suryawanshi, S/o Shri Punaauram, resident of Village Janji, Sub Tehsil Seepat, P.S. Seepat, Civil and Revenue District Bilaspur (C.G.)
7. Harprasad Sahu, S/o Late Shri Kaliram Sahu, Resident of Village Machkhanda, Post Nagoda, P.S. Nagoda, Tehsil, Civil and Revenue District Bilaspur (C.G.)
8. Konda Sahu, S/o Late Shri Dhela, resident of Village Machkhanda, Post Nagoda, Tehsil Civil and Revenue District Bilaspur (C.G.)
9. Mathura Suryawanshi, S/o Shri Ramprasad Suryawanshi, resident of Village Bharari, Post Singhari, Tehsil, P.S. Ratanpur, Civil and Revenue District Bilaspur (C.G.)_
10. Santuram, S/o Late Shri Mahettar, Resident of Village Semri, Post Sighari, Tehsil P.S. Ratanpur, Civil and Revenue District Bilaspur (C.G.)
11. Santram, S/o Late Shri Mahettar, Resident of Village Semri, Post Singhari, Tehsil, P.S. Ratanpur, Civil and Revenue District Bilaspur (C.G.)
12. Ram Khilawan Suryawanshi, S/o Late Shir Samary, Resident of Village, Post, Tehsil, P.S. Koni, Civil and Revenue District Bilaspur (C.G.)

13. The Controlling Authority under the Payment of Gratuity Act, 1972 / Assistant Labour Commissioner, Bilaspur, P.S. Bilaspur, Civil and Revenue District Bilaspur (C.G.)

14. The Appellate Authority, under Payment of Gratuity Act, 1972 / Deputy Labour Commissioner, Raipur, P.S. Raipur, Civil and Revenue District Raipur (C.G.)

---- Respondents.

For Petitioners : Shri Gary Mukhopadhyaya, Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

04/07/2018

(1) An application for payment of gratuity filed by respondents No. 1 to 12 was granted by the Controlling Authority under the Payment of Gratuity Act, 1972, which has been affirmed by the appellate authority under the Payment of Gratuity Act, 1972, against which instant writ petition has been filed questioning the same.

(2) Learned counsel appearing for the petitioner would submit that impugned order is bad and unsustainable in law, which is liable to be set aside.

(3) I have heard learned counsel appearing for the petitioner.

(4) In the matter of **Natram Sahu Vs. State of Chhattisgarh and another**¹, their Lordships of the Supreme Court have held as under:-

“15. In our considered opinion, the High court committed an error in placing reliance on the decision of this Court in State of Karnataka V. Umadevi² to deny the relief of grant of gratuity to the appellant. In the case at hand, the High Court should have been that the services of the appellant was actually regularized by the State and, therefore, the law laid down in Umadevi(supra) makes a distinction in cases and where the services stand regularized, the ratio of Umadevi (supra) to deny the relief would not apply.

¹ (2018) 5 SCC 430

² (2006) 4 SCC 1

16. In our considered opinion, once the State regularized the services of the appellant while he was in State services, the appellant became entitled to count his total period of service for claiming the gratuity amount subject to his proving continuous service of 5 years as specified under Section 2-A of the Act which, in this case, the appellant has duly proved.

17. In the circumstances appearing in the case, it would be the travesty of justice, if the appellant is denied his legitimate claim of gratuity despite rendering “continuous service” for a period of 25 years which even, according to the State, were regularized. The question as to from which date such services were regularized was of no significance for calculating the total length of service for claiming gratuity amount once the services were regularized by the State.”

(5) In view of the principles of law laid down by the Supreme Court in the matter of **Natram Sahu** (supra), I do not find any merit in the instant writ petition warranting interference by this Court. Accordingly, the writ petition fails and is hereby dismissed.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-

