

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR**  
**WA No. 700 of 2018**

D.N.Singh S/o Guru Prasad Singh, Aged About 61 Years Ex-Overman, R/o. Qtr. No. B-3, Ompur Colony, Rajgamar Colliery, Korba, District Korba (Chhattisgarh)

---- Appellant

**Versus**

1. South Eastern Coalfields Limited Through Chairman-Cum-Managing Director, Head Office, Basant Vihar, Seepat Road, Bilaspur, District Bilaspur Chhattisgarh.
2. Sub Area Manager, South Eastern Coalfield Limited, Korba Area, Rajgamar Colliery, District Korba Chhattisgarh.
3. Controlling Authority, Under The Payment Of Gratuity Act, 1972 And Regional Labour Commissioner, Central, Bilaspur (Chhattisgarh).
4. The Appellate Authority, Under The Payment Of Gratuity Act 1972 And The Deputy Chief Labour Commissioner (Central) Raipur, District Raipur Chhattisgarh.

---- Respondents

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|---------------------|---------------------------------------|
| For Appellant       | : Shri Yogesh Chandra, Advocate.      |
| For Respondent/SECL | : Shri Vivek Ranjan Tiwari, Advocate. |

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**Hon'ble Shri Ajay Kumar Tripathi, Chief Justice**  
**Hon'ble Shri Parth Prateem Sahu, Judge**

**Judgment on Board**

**14/09/2018**

**Per Ajay Kumar Tripathi, Chief Justice**

1. Heard counsel for the parties.
2. No employee, who has already superannuated and his post retiral dues have been settled, can on one pretext or the other, continue to occupy the official quarter allotted to him indefinitely. He may have had a cause when his gratuity and payment of interest on gratuity has not been settled, which now has already been done by the order of the learned Single Judge dated 31.07.2018, where relief in

favour of the Appellant was granted. But, not being satisfied with the said decision, now he wants the Division Bench to give a decision and create a right to occupy the official quarter on the so-called Standing Order, where in a given circumstance, when a genuine case is pending for adjudication before the Central Industrial Tribunal, an employee can be allowed to continue in occupation of official quarter.

3. Such provision cannot be read in expanded form to include every situation including the situation where an employee who has retired years ago and his post retiral dues have already been settled.
4. The Respondent/SECL is free to remove the Appellant from the official quarter within a period of four weeks of payment of gratuity, if not already done, if he does not do himself.
5. The appeal has no merit. In the result, the appeal is dismissed.

Sd/-

(Ajay Kumar Tripathi)  
**CHIEF JUSTICE**

Sd/-

(Parth Prateem Sahu)  
**JUDGE**