NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WRIT PETITION (L) NO.228 OF 2018

Ali Hasan S/o Late Shri Abdul Samad Aged About 64 Years R/o West Chirmiri (Podi), P.S. West Chirmiri (Podi), Chirmiri, District- Koriya, Chhattisgarh.

…Petitioner(s)

Versus

1. The General Manager SECL, Chirmiri Area, Post West Chirmiri, District-Koriya, Chhattisgarh.
2. The State Of Chhattisgarh Through The Controlling Authority Under The Payment Of Gratuity Act. 1972 And The Assistant Labour Commissioner Central, Torwa, Bilaspur, Chhattisgarh.

… Respondent(s)

For Petitioner	:	Ms. Raashi Tiwari, Advocate.
For Respondent-State	:	Shri Chandresh Shrivastava, PL.
For Respondent No.1	:	Shri Vinod Deshmukh, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

25.10.2018

1. The relief sought for by the petitioner in this petition is for releasing amount of gratuity payable to the petitioner as also interest on the said amount.
2. Perusal of record would show that the petitioner for the same relief had already approached the authority under the Payment of Gratuity Act and the controlling authority has, after due consideration, allowed the application vide its order dated 09.02.2017 whereby the respondents were directed to release the amount of gratuity and it was also specifically ordered that the petitioner would not be entitled for interest on the said amount.
3. It appears that the petitioner has not assailed the said order in an appeal as the order was an appellable order under the Payment of Gratuity Act itself. However, the grievance of the petitioner is that even after the order passed by the controlling authority of Payment of Gratuity Act, the same has not been honoured by the respondents and the petitioner till date has been deprived of the principal amount of gratuity also.
4. For ventilating the said grievance also the appropriate forum would be the office of the controlling authority itself who has passed the order where the

petitioner needs to move an appropriate application for execution of the order. The High Court in exercise of its power under Article 226 of the Constitution of India cannot be substituted as an executing court against the order passed by the controlling authority. Neither can the High Court made the appellate authority by passing the statutory remedy of appeal available under the statute.

5. Reserving the right of the petitioner to approach the authorities under the payment of Gratuity Act for redressal of his grievance, the present writ petition in its present form stands disposed of. On petitioner's moving application before the authority, they would take a decision expeditiously on the application so filed.

6. The writ petition accordingly stands disposed of.

Sd/-

(P. Sam Koshy)
Judge

inder