

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**Writ Petition (S) No. 7898 of 2018**

Churu Das S/o Late Tibhau Das, Aged About 68 Years, R/o Barpali
Dongribhata, Block Kartala, District Korba, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Public Works Department ,
Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur
Chhattisgarh
2. Executive Engineer, Public Works Department, Division Korba,
District Korba, Chhattisgarh
3. Superintendent Engineer, Public Works Department, Division Korba,
District Korba, Chhattisgarh
4. Joint Director, Treasury, Accounts And Pension, Bilaspur, District
Chhattisgarh

---- Respondents

For Petitioner	:	Mr. C. Jayant K. Rao, Advocate
For State	:	Mr. D. Wankhede, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****01/12/2018**

The claim of the petitioner in the present writ petition is for a direction to the respondents to consider the claim of the petitioner for grant of gratuity.

2. The petitioner in the present writ petition was working as daily wage employee under the respondents since 1985 and later on was regularized and finally stood retired from service on 31.07.2013. The petitioner now after a period of more than 5 years has filed the writ petition demanding payment of gratuity. Counsel for the petitioner refers to the judgment of the

Supreme Court in the case of Netram Sahu Vs. State of Chhattisgarh and another reported in (2018) 5 SCC 430 which originated from this Court vide Civil Appeal No.1254 of 2018 decided on 23rd of March, 2018.

3. Perusal of the record would show that the said order also was one which travelled to the High Court and the Supreme Court from the order of the Controlling Authority under the Payment of Gratuity Act, 1972.

4. Given the fact, reserving the right of the petitioner to approach the Controlling Authority under the Payment of Gratuity Act, the present writ petition stands disposed of. If the petitioner approaches the Controlling Authority, it is expected that the Controlling Authority while deciding the claim of the petitioner shall also take note of the judgment of the Supreme Court in the case of Netram Sahu Vs. State of Chhattisgarh and another (2018) 5 SCC 430.

Sd/-
(P. Sam Koshy)
Judge