

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 8122 of 2018**

Jagmali Kashyap S/o Late Nanki Dadu Aged About 63 Years Retired From The Post Of Watchman, Office Of Sub Divisional Officer, Public Works Department, Sub Division Korba, District Korba, Chhattisgarh., District : Korba, Chhattisgarh

---- **Petitioner**

Versus

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

---- **Respondents**

For petitioner	:	Shri C.J.K. Rao, Advocate.
For State	:	Shri Syed Majid Ali, Dy.G.A.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

10/12/2018

1. 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

Rohit