

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 192 of 2019**

Prakash Kumar Gadekar S/o Late Shri Heera Chand Gadekar Aged About 60 Years R/o Near Gupta Bhawan, Frezerpur, 33 Rajeev Gandhi Ward, Jagdalpur, District- Bastar, Chhattisgarh., District : Bastar(Jagdalpur), Chhattisgarh

---- **Petitioner**

Versus

1. The Oriental Insurance Company Limited Through Regional Manager, Regional Office, First Floor, R.K. Plaza, Panchpedi Naka, Ring Road No. 1, Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
2. Regional Manager Oriental Insurance Company Limited, Regional Office, First Floor, R.K. Plaza, Panchpedi Naka, Ring Road, No. 1, Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
3. Senior Divisional Manager Oriental Insurance Company Limited, Divisional Office, Dhamtari, Chhattisgarh., District : Dhamtari, Chhattisgarh

---- **Respondents**

For petitioner	:	Shri Aditya Tiwari, Advocate.
For Respondent	:	Shri Raj Awasthi, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

14/01/2019

1. The present writ petition has been filed seeking a direction to the respondents for grant of gratuity which the petitioner is entitled for on his retirement from service w.e.f. 31/10/2018.
2. According to the petitioner, the petitioner is entitled for an amount of more than Rs. 90 lakhs as gratuity but the same has not been released only on account of departmental enquiry in respect of the some loss to the respondents to the tune of Rs. 1,50,000/-.
3. This Court ,prima facie, is of the view that present writ petition in its present form would not be maintainable before this Court on account of statutory alternative remedy available to the petitioner under the payment of Gratuity Act.
4. The petitioner does not seem to have given any explanation for not approaching the controlling authority under the payment of gratuity Act for ventilating his grievance.

5. Given the facts reserving the right of the petitioner to approach the controlling authority under the Payment of Gratuity Act, the present writ petition stands disposed off.

6. In the event, if the petitioner approaches the controlling authority, it is expected that the authority concerned shall process the claim of the petitioner at the earliest and take a decision as early as possible preferably within a period of three months thereafter.

7. Disposal of the present writ petition would not come in the way of department in processing the gratuity payable to the petitioner and the respondents also would be at liberty to consider whether it is justified in withholding the entire gratuity amount payable to the petitioner as compared to the amount which has allegedly to be recovered from the petitioner.

Sd/-

(P. Sam Koshy)
JUDGE

Rohit