

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS NO. 6135 OF 2017**

Kamalramji S/o Late Kamal Lingaya, Aged About 57 Years R/o Rajeev Gandhi Ward No. 33, Shanti Nagar, Jagdalpur, District Bastar, Chhattisgarh

---- Petitioner**Versus**

1. Chhattisgarh Rajya Gramin Bank A Joint Venture Of Government Of India, State Government And S. B. I. Through Its Chairman Chhattisgarh, Rajya Gramin Bank, Ghat Road, Sundernagar, Raipur, District Raipur, Chhattisgarh.
2. Chairman, Chhattisgarh, Rajya Gramin Bank, Ghat Road, Sundernagar, Raipur, District Raipur, Chhattisgarh
3. General Manager Administration, Disciplinary Authority Chhattisgarh Rajya Gramin Bank, Head Office Mahadev Ghat Road, Sundernagar, Raipur, District Raipur, Chhattisgarh

... Respondents

For Petitioner	:	Mr. Manoj Paranjpe, Advocate.
For Respondents	:	Mr. N Naha Roy, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****20/09/2019**

1. The instant writ petition was filed challenging the order of termination dated 27.07.2016 (Annexure P-2) whereby the services of the petitioner has been transferred. The challenge is also to the order 17.10.2017 which is an order passed in an Appeal whereby the Appellate Authority has rejected the appeal affirming the order of termination.
2. Today, when the matter is taken up for hearing, counsel for the petitioner makes a statement that he does not intend to challenge termination order any further, particularly, for the reason that he has in between crossed the age of superannuation and prays for not pressing of the writ petition so far as the challenge to the order of termination is concerned. However, the petitioner makes a prayer

that the respondent authorities may be directed to consider releasing of gratuity amount that the petitioner is entitled for. Since, the petitioner would be entitled for gratuity amount under the Payment of Gratuity Act, as the order of termination was not on the ground of causing any financial loss to the respondent management. That except for the ground of their being financial loss incurred in the course of misconduct of the delinquent employee, the Payment of Gratuity cannot be withheld as is envisaged under Section- 4 of Payment of Gratuity Act 1973.

3. The aforesaid request of the petitioner is based on the Judgment of the Supreme Court in the Case of **Union Bank of India and others V. C.G. Ajay Babu and Another (2018) 9 SCC 529**. Considering the request of the petitioner that he has made, this Court is of the view that the writ petition can be disposed of. Accordingly, the writ petition stands disposed of, holding the writ petition so far as the challenge is to the order of termination and the order passed by the Appellate Authority stands dismissed as not pressed.
4. However, the petitioner is entitled to approach the respondents for releasing his Gratuity under the Payment of Gratuity Act, the respondents are directed to consider the claim of the petitioner in terms of Section 4 of the Payment Gratuity Act. While deciding the claim of the petitioner, the respondents authorities shall also take into consideration the Judgment of Supreme Court in the case of **Ajay Babu (Supra)**. While deciding the same, the authorities of the Respondents Bank are expected to take note of the Service Regulations Governing the Field i.e. Regulation No. 72 E dealing with termination of employment.

5. Needless to mention that the settlement of the petitioner's claim would be only after due verification of fact as to whether there has been in fact any financial loss caused to the establishment or not ?
6. It is expected that authorities would decide the claim of the petitioner as expeditiously as possible within a period of 90 days from the date of receipt of copy of this order.
7. In view of the above observation and direction in the present Contempt Petition stands disposed off.

Sd/-
(P. Sam Koshy)
Judge

Jyotijha