

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (L) No. 76 of 2019**

Sub Area Manager, South Eastern Coalfields Limited, Chhal Sub Area,
Raigarh Area, P. O. Navapara (Chhal), District Raigarh Chhattisgarh

---- Petitioner**Versus**

1. Appellate Authority Under The Payment Of Gratuity Act, 1972, And
Deputy Chief Labour Commissioner (C), Government Of India,
Ministry Of Labour And Employment, Raipur Chhattisgarh
2. Controlling Authority Under The Payment Of Gratuity Act, 1972, And
Regional Labour Commissioner (Central), Main Road, Torwa,
Bilaspur, District Bilaspur, Chhattisgarh
3. Smt. Kamala Bai W/o Late Kirtan, R/o Kumda Colony Via Bishrampur,
P. O. Kumda Colony, District Surajpur, Chhattisgarh

---- Respondents

For Petitioner : Shri Vivek Chopda, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****15.04.2019**

1. The challenge in the present writ petition is to the order passed by the
Controlling Authority dated 11.12.2017 Annexure P-1 and the order
passed by the Appellate Authority dated 19.12.2018 Annexure P-3.
2. The challenge to the impugned order Annexure P-1 was on the ground
that the Controlling Authority had quantified the amount of gratuity

payable to the employee without any substantial evidence. According to the petitioner, they have got the pay slip enclosed with the writ petition to show that the calculation made by the Controlling Authority is erroneous and on the higher side.

3. Given the fact that the nature of dispute raised by the petitioner seems to be error in calculation of the gratuity payable by the petitioner to the employee/respondent no.3 and the fact that the petitioner has not questioned the legality of the order regarding the gratuity to be paid to the employee respondent no.3, this Court is of the opinion that so far as the error in calculation of the gratuity made by the Controlling Authority is concerned, the same can be looked into by the same authority and for which the petitioner has a remedy of preferring a review petition bringing to the notice of the authority the error that is said to have been made in the process of making calculation of gratuity.
4. The writ petition on the aforesaid ground itself stands disposed of with liberty to the petitioner to approach the Controlling Authority by way of an appropriate review petition only highlighting the error on the calculation part in quantifying the gratuity. Subject to the petitioner filing a review petition within a period of 30 days from today, the Controlling Authority shall entertain the same and on due verification of the factual aspect, shall decide the review petition on its merit ignoring the aspect of limitation, if any.

Sd/-
(P. Sam Koshy)
JUDGE