

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPL No. 183 of 2019

M/s Sri Balaji Mines And Minerals Pvt. Ltd. 23a, Netaji Subash Road, Third Floor, Room No. 06, Kolkata (West Bengal) Through Its Authorised Signatory, Mr. Raghav Lakhotia

---- Petitioner

Versus

1. Bhindeswari Prasad Singh 56 A Telephone Exchange Road, Rajkishori Nagar Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh
2. Union Of India, Dy. Chief Labour Commissioner (C) Government Of India, Ministry Of Labour And Employment, L-7, Sector - 1 (Ext) Avanti Vihar, Raipur Chhattisgarh., District : Raipur, Chhattisgarh
3. Regional Labour Commissioner, Office Of Regional Labour Commissioner (C) Government Of India, Ministry Of Labour And Employment Main Road Torwa, Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

---Respondents

For Petitioner	:	Mr. Ankit Pandey, Advocate
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Hon'ble Shri Justice P. Sam Koshy

Order on Board

27/08/2019

1. The present writ petition has been filed assailing the order passed by the Appellate Authority under the Payment of Gratuity Act, 1972 dated 23.01.2019.
2. Perusal of the record would show that the Appellate Authority has decided the appeal holding it to be not maintainable on the ground that the appeal itself was not in terms of the requirement under Section 7(7) of the Payment of Gratuity Act. Provisions of Section 7(7) of the Act requires certificate showing deposit of the amount awarded by the Controlling authority. In the instant case, it appears that the petitioner had not deposited the amount awarded by the Controlling Authority and had moved an application seeking

exemption. The application for exemption is not one which is permissible under the Act of 1972, neither had the Appellate Authority any power to entertain or grant exemption from such pre-deposit, which was mandatorily required for preferring an appeal against the order of the Controlling Authority.

3. Under the circumstances, if the Appellate Authority has rejected the appeal holding it to be not maintainable for want of compliance as is required under Section 7(7) of the Payment of Gratuity Act it cannot be either held to be bad in law or contrary to the provisions of the Act of 1972.
4. Given the circumstances, this Court is left with no other option, but to reject the petition of the petitioner on the same ground holding that the order of the Appellate Authority so far as the Act of 1972 is concerned is proper, legal and justified.
5. The present writ petition thus fails and is accordingly dismissed.

Sd/-
(P. Sam Koshy)
Judge

Ved