

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 3833 of 2019

Hemsingh S/o Shri Buddhu Aged About 63 Years Occupation - Labour
(Retired) R/o Village And Post - Devarbeeja, Tahsil - Berla, District
Bemetara Chhattisgarh., District : Bemetara, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Public Works Department,
Mahanadi Bhawan Mantralaya, Atal Nagar, New Raipur Chhattisgarh.,
District : Raipur, Chhattisgarh
2. The Engineer In Chief Public Works Department, Sirpur, Bhawan, District
Raipur Chhattisgarh., District : Raipur, Chhattisgarh
3. The Sub Divisional Officer Public Works Department, Sub Division Saja,
District Bemetara Chhattisgarh., District : Bemetara, Chhattisgarh
4. The Executive Engineer Public Works Department, Bemetara Division,
District Bemetara Chhattisgarh., District : Bemetara, Chhattisgarh
5. The Joint Director Treasury, Account And Pension, Durg, District Durg
Chhattisgarh., District : Durg, Chhattisgarh

---- Respondents

For Petitioner	:	Ms. Varsha Sharma, Advocate.
For State	:	Mr. Sameer Behar, Ms. Astha Shukla, Mr. P. Acharya, Panel Lawyers.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

16/05/2019

1. The limited grievance that the petitioner has raised in the present writ petition is that though the petitioner has been retired as a Class-IV employee w.e.f. 30.11.2018, the petitioner has not been granted gratuity and benefit of leave encashment.

2. According to the petitioner he is being paid pension, however counsel for the petitioner further submits that except for gratuity and leave encashment the petitioner has received all other retiral dues.
3. Given the fact and perusal of the pleadings would show that the petitioner was initially engaged as Daily Wage Employee way back in the year 1977 and was regularized by the department in the year 2008 and he retired from service on 30.11.2018.
4. Given the facts, this Court is of the opinion that no fruitful purpose would be served in keeping the writ petition pending rather ends of justice would meet if the writ petition is disposed off with a direction to the respondent No. 2 to 4 to immediately process the claim of the petitioner so far as the releasing of the gratuity and leave encashment is concerned. While considering the said, authorities concerned would also take note of the decision of the Supreme Court in the case of **Netram Sahu Vs. State of Chhattisgarh, decided on 23.03.2018 in Civil Appeal No. 1254/2018.**
5. Let this exercise be completed by the authorities concerned within a period of four months from the date of receipt of copy of this order.

**Sd/-
(P. Sam Koshy)
Judge**

Rohit