

HIGH COURT OF CHHATTISGARH AT BILASPUR

REVP No. 102 of 2019

Sub Area Manager South East Coalfield Limited, Banki Coalfield Limited,
Banki Colliery, P.O. Banki Mongra District- Korba, Chhattisgarh.

---- Petitioner

Versus

1. The Appellate Authority Under The Payment Of Gratuity Act/Deputy Chief Labour Commissioner (Central) Raipur, D-6, Adarsh Society Sector-1, Awanti Vihar, Raipur, District- Raipur, Chhattisgarh
2. The Controlling Authority Under The Payment Gratuity Act-1972 (Assistant Labour Commissioner (Central), Torwa, Bilaspur, District- Bilaspur, Chhattisgarh.
3. Shri Sukhi Ram S/o Tangu R/o Sumedha, PO.- Balgi Project, District- Korba, Chhattisgarh.

---Respondents

For Petitioner : Mr. Vivek Verma, Adv.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

08/07/2019

1. The present review petition has been filed seeking for the review of the order dated 13.02.2019 passed in WPL No. 19 of 2019. Vide the said order, this Court had dismissed the writ petition which the petitioner had filed challenging the order passed by the Appellate Authority under the Payment of Gratuity Act dated 09.11.2018. The Appellate Authority while passing the order dated 09.11.2018 affirmed the order passed by the Controlling Authority, under the Payment of Gratuity Act dated 09.02.2018 and the Appellate Authority also in modification of the order had awarded of interest @ 10% per annum.
2. This Court, on due consideration of the contention put forth by the petitioner did not find any merit and rejected the writ petition.

3. The review petition has now been filed challenging the interest awarded by the Appellate Authority on the ground that the same has been awarded in contradiction of the proviso to section 8 under the Payment of Gratuity Act-1972 whereby it has been envisaged that the interest amount shall not be more than the amount of gratuity. This ground available to the petitioner was not raised at the time of the writ petition was being heard. Moreover, this Court had rejected/dismissed the writ petition on its merits, thus, additional ground that the applicant intends to take a decision can not be a ground to entertain the review petition. A review petition can be entertained only in the event if there is an error apparent on the face of record. Non raising of the said ground and the said ground not being pleaded early can not therefore be said to be an error apparent on the face of record.
4. The review petition therefore stands rejected, reserving the right of the petitioner to avail other remedies available to the petitioner.

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

Jyotijha