

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 10250 of 2019

Mohan Lal Dadsena S/o Luduram Dadsena Aged About 67 Years R/o Village And P.O. Bori, Distt. Rajnandgaon Chhattisgarh.

Petitioner

Versus

1. State of Chhattisgarh through the Secretary Public Works Department , Mahanadi Bhawan , Mantralaya Atal Nagar Raipur Distt. Raipur Chhattisgarh.,
2. Chief Engineer Public Works Department , Raipur , Distt. Raipur Chhattisgarh.,
3. Executive Engineer Public Works Department (BH & SA) Rajnandgaon, Distt. Rajnandgaon Chhattisgarh.
4. Joint Director Pension and Account Treasury, Division Durg, Distt. Durg Chhattisgarh.

--- Respondents

For the Petitioner	: Mr. Hemant Kesharwani, Advocate
For the Respondent	: Mrs. Richa Shukla, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

06.12.2019

1. Learned counsel for the petitioner submits that the petitioner was appointed on 08.10.1972 on daily wage and was regularized vide order dated 20.08.2008 and after attaining the age of superannuation he had retired on 31.01.2014. It is contended that as per the circular of the department itself the gratuity would be payable to the petitioner under the Payment of Gratuity Act 1972. Therefore, the limited prayer at this moment before this Court is for consideration of gratuity by deciding the representations and if the representation is decided, the petitioner may get a cause of action to challenge the same before the controlling authority.
2. Considering the limited prayer made by the petitioner only to the extent to decide the representations, this writ petition is disposed off with a direction that

the petitioner may file a fresh representation before respondent no.3 within a period of 3 weeks and on such representation being filed, respondent No. 3 shall consider and decide the same within a further period of 3 months from the date of submission of representation of the petitioner.

**Sd/-
(GOUTAM BHADURI)
JUDGE**

R a o