

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPL No. 3859 of 2011**

Vaman Rao Lakhe Higher Secondary School, through its Secretary-cum-President Ghandhi Chowk, Raipur, (C.G.)

---- Petitioner**Versus**

1. State Of Chhattisgarh, through its Secretary, School Education Department, D.K.S. Bhawan, Raipur, (C.G.)
2. Ambrish Narayan Agrawal, S/o Shri Udit Narayan Agrawal, aged about not known to the petitioner, R/o 27/437. Baniyapara, Puranibasti, Raipur, (C.G.)
3. Deputy Labour Commissioner (An Appellate Authority under the Payment of Gratuity Act, 1972), office of Labour Commissioner, Raipur, (C.G.)
4. Assistant Labour Commissioner (Controlling Authority under the Payment of Gratuity Act, 1972), office of the Labour Commissioner, Raipur, (C.G.)

---- Respondents

For Petitioner	:	Mr. R. K. Kesharwani, Advocate
For State	:	Mr. Mateen Siddiqui, Dy. AG

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

09/12/2020

1. The challenge in the present writ petition is to the order dated 19.04.2011 passed by the Appellate Authority as also order passed by the Controlling Authority dated 17.09.2010 in case No. 4/PGA/2009 whereby the appeal of the petitioner got dismissed confirming the order passed by the Controlling authority dated 17.09.2010.

2. The respondent No.2 in the present writ petition was working as Upper Division Clerk under the respondents and he has worked with the petitioner establishment from 01.09.1971 to 31.08.2006. When subsequently on retirement the gratuity amount was not paid and then the employee had approached Controlling Authority for the release of the same which was allowed vide the Controlling Authority order dated 17.09.2010 (Annexure P-4). Being aggrieved, the petitioner had preferred the appeal before the Appellate Authority under Section 7(7) of the Payment of Gratuity Act. The Appellate Authority also after due consideration of the contention of the petitioner vide impugned order dated 19.04.2011 have rejected the appeal holding it to be devoid of merits which is under challenge in the present writ petition.
3. Taking into consideration the facts and circumstances of the case, particularly the concurrent finding, reasons and ground assigned by the two forums below firstly in the course of allowing the claim application of the employee and secondly while dismissing the appeal of the petitioner establishment, this Court does not find any strong case made out by the petitioner calling for an interference with the two impugned orders.
4. Accordingly, the writ petition being devoid of merits stands rejected.

Sd/-
(P. Sam Koshy)
Judge