

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****WPL No. 319 of 2014**

- Manager, Kisan Rice Mill Durg Chhattisgarh Rajya Sahkari Vipnan Sangh Maryadit Tahsil And District Durg C.G. Through Its District Manager

**---- Petitioner****Versus**

1. Smt. Soma Bai W/o Shri Kartik Ram Nishad, R/o Kailash Nagar Near Dhamdha Naka, Post Durg, District Durg C.G. Through Manoj Das Noor Manzil Imam Nagar, Naya Bazar, Near Daihan Math Puraina, Raipur District Raipur C.G.
2. Appellate Authority Under Payment Of Gratuity Act-Cum-Deputy Labour Commissioner Raipur C.G.
3. Controlling Authority under Payment Of Gratuity Act, Cum - Assistant Labour Commissioner Durg District Durg C.G.

**---- Respondents**


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For Petitioner : Shri N.K. Vyas, Advocate

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**Hon'ble Shri Justice Goutam Bhaduri****Order On Board****18/02/2020**

Heard.

1. No representation on behalf of Respondent No. 1 despite service of notice.
2. Learned counsel for the parties would submit that the issue involved in this writ petition is squarely covered by the decision rendered by this Court in **WPL No. 14 of 2012; (Chhattisgarh Rajya Sahakari Vipnan Sangh Maryadit v. Smt. Sangita Bai Deep and Others)**, decided on 17th December, 2017 in which it has been held in paragraphs 10 & 11 as under :-

"10. Accordingly, the impugned orders are set aside and the matters are remitted back to the Controlling Authority for decision afresh with a further direction to record specific finding that the workmen have worked for a

period of 240 days or more during the period of 12 calendar months preceding the date with reference to which the calculation is to be made.

11. Since it is stand of learned counsel for the respondent workmen that the entire amount has been paid, it is directed that in all such cases where the amount has already been disbursed to the workmen, the same shall not be recovered till the matter is decided afresh by the Controlling Authority and thereafter, it shall be governed by the final order passed by the Controlling Authority.”

3. The present writ petition is also disposed of in same terms with further observation that while deciding afresh, the Controlling Authority shall afford opportunity to produce material and lead evidence to both the parties.

Sd/-

Goutam Bhaduri  
Judge

Jyoti