

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 2353 of 2020**

- Murari Lal S/o Shri Dauram Aged About 69 Years R/o Village Sivni Post Sivni, Tahsil And District Janjgir Champa Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, (Resham Department) Rural Industries Mantralay, Mahanadi Bhawan, Atal Nagar, District New Raipur Chhattisgarh
2. The Director Directorate Of Rural Industries, (Resham Department) Chhattisgarh, Indrawati Bhawan, Block - 1, 4th Floor, Atal Nagar, District Raipur Chhattisgarh
3. Assistant Director (Resham), Kosabadi Parisar Korba, District Korba Chhattisgarh
4. Joint Director Treasury, Account And Pension Bilaspur District Bilaspur Chhattisgarh

---- Respondents

For Petitioner : Ms. Varsha Sharma, Advocate

For Respondents/State : Shri Amrito Das, Addl. AG

Hon'ble Shri Justice Goutam Bhaduri**Order****23/06/2020**

1. Heard.
2. Learned counsel for the petitioner would submit that the petitioner has retired on 31.10.2013 and though is entitled for gratuity but till date it has not been released, therefore, the petitioner may be given certain time frame to make a representation for release of the amount of gratuity of the petitioner.
3. Learned State counsel refers to the earlier order passed by this Court in WPS

No.6645 of 2019 dated 02.09.2019 (Annexure P-4) and would submit that already the order exists for payment of pension. He would further submit that Rule 43 & 44 of the Chhattisgarh Civil Services (Pension) Rules, 1976 (for short 'the Rules, 1976') and the definition of pension includes the gratuity, therefore, no separate order is required for payment of gratuity.

4. Perusal of definition of pension in Rule 3 sub-rule (n) of Rules, 1976 purports that pension includes gratuity except when it is used in contradistinction to gratuity. Rule 43 & 44 lays down the procedure that how the gratuity is to be calculated. Since in WPS No.6645/2019 already the direction has been issued for calculation of the current pension of the petitioner and payment thereof to the petitioner, therefore, no separate order is required. Under these circumstances, the petitioner is given liberty to make an application before respondent No.1 within a period of 4 weeks from today along with the copy of the earlier order passed in WPS No.6645 of 2019 dated 02.09.2019 and on such application being filed, the same shall be decided pursuant to the order earlier order passed by this Court in WPS No.6645 of 2019 dated 02.09.2019 within a period of 4 months from the date of filing of the representation and the amount of gratuity shall be released to the petitioner.
5. With the aforesaid observation, the writ petition stands disposed of.

Sd/-

Goutam Bhaduri
Judge

Ashu