

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 2374 of 2020**

Bisahu Ram Dewangan S/o Shri Loknath Dewangan Aged About 69 Years
Resident Of Village - Chhuri, Tahsil - Kartala, District - Korba 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	:	Ms. Akansha Jain, Dy.G.A.

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

1. Heard.
2. Grievance of the petitioner is that the petitioner was initially appointed in 1986 who was regularized in 2008, thereafter he retired on 31/01/2010. It is contended that the petitioner has not been given gratuity, the other leave encashment benefit despite order has been passed, therefore it is prayed that 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 Annexure P-3 and would submit that in WPS No.9585/2019 an order was passed on 22/11/2019 to consider case of the petitioner for payment of pension and would submit that already the order exists for payment of pension. She 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.9585/2019 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.9585/2019 dated 22/11/2019 and on such application being filed, the same shall be decided pursuant to the order earlier order passed by this Court in WPS No.9585/2019 dated 22/11/2019 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