

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

WPL No. 81 of 2017

Shriram Vidhya Mandir Higher Secondary School, Pairi, Through Board of Director/ President, Namely Tej Ram Kripon, Son of Keju Ram Aged About 65 Years, R/o Village Pairi, Tahsil And District Balod, Chhattisgarh ... **Petitioner**

Versus

1. State of Chhattisgarh Through The Secretary, Department Of Finance And Planning, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur Chhattisgarh., Chhattisgarh
2. State of Chhattisgarh, Through The Secretry, Department of School Education, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur, Chhattisgarh.
3. District Education Officer, Durg, District Durg, Chhattisgarh.
4. District Education Officer, Balod, District Balod, , Chhattisgarh
5. Controlling Authority Under Payment of Gratuity Act, Balod, District : Balod, Chhattisgarh
6. Ramakant Awashthi, S/o Late Surajbali Awashthi, R/o Village And Post Pairi, Tahsil Balod, District Balod, Chhattisgarh --- **Respondents**

09.03.2020	Mr. C.K. Sahu, counsel for the petitioner. Mr. Avinash Singh, Panel Lawyer, for the State. Mr. Mahesh Kumar Mishra, counsel for respondent No.6. The challenge made in this writ petition is to the communication/ order dated 07.06.2013 passed by the Special Officer, Finance Department Chhattisgarh as also the order dated 03.08.2016 passed by the Controlling Authority under the Payment of Gratuity Act, whereby the petitioner institution was directed to pay the gratuity. Learned counsel for the petitioner would submit that the issue raised in this case has been decided by detailed judgment/order dated 06.03.2020 of this Court passed in WPL No.223 of 2017 (<i>Ambika Mission Boys Middle School Vs. State of Chhattisgarh and others</i>) & connected cases and the instant case is squarely covered by the decision rendered in WPL No. 223 of 2017 (supra) wherein at Para 35, the following order has been passed : “35. In view of the foregoing discussion, the petitions are	

allowed with the following directions/observations:

(i) The State would be employer within the definition of Payment of Gratuity Act, 1972 for the teachers/ employees of aided educational institutions.

(ii) There cannot be unjustified classification between the two classes of teachers/employees for payment of gratuity before or after the cut-off date i.e., 01.04.2013 for whom grant-in-aid is received by institutions.

(iii) The judgments passed by the Controlling Authority and appellate authority whereby the institutions have been directed to pay gratuity on the basis of Letter dt. 07.06.2013 is set aside and the State is held to be liable to pay gratuity to the teachers even if they had retired prior to 01.04.2013.

(iv) The payments already made by the institutions pursuant to the order of the Controlling Authority or the Appellate Authority under the Gratuity Act, 1972 shall be reimbursed or made good to the institutions within a reasonable time of 6 months”

Learned State Counsel does not dispute the submission made by the petitioner.

In view of the above, this writ petition is disposed of in terms of the judgment/order dated 06.03.2020 passed in WPL No.223 of 2017 & connected cases and no separate order is required to be passed in this case. The said order dated 06.03.2020 shall form part of this order.

**Sd/-
GOUTAM BHADURI
JUDGE**

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