

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 4478 of 2020

1. Pratap Singh Rathiya, S/o Shri Dukhiram Rathiya, Aged About 66 Years R/o Village And Post Hati, Tahsil Dharamjaigarh, P.S. Chhal, District : Raigarh, 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. Joint Director, (Resham), Circuit House Road, Urdana, District : Raigarh, Chhattisgarh
4. Joint Director, Treasury, Account And Pension, Bilaspur, District : Bilaspur, Chhattisgarh

----- Respondents

For Petitioner	:	Ms. Laxmeen Kashyap, Advocate
For State	:	Mr. Vivek Ranjan Tiwari, Addl. A.G.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

20.11.2020

1. The limited grievance that the petitioner has raised in the present writ petition is that though the petitioner has been retired as a Class- IV employee w.e.f. 31.08.2016, the petitioner has not been granted gratuity and benefit of leave encashment.
2. According to the petitioner, he is being paid pension, however counsel for the petitioner further submits that except for gratuity and leave encashment, the petitioner has received all other retiral dues.

3. Given the fact and perusal of the pleadings would show that the petitioner was initially engaged as Daily Wage Employee/contingency paid employee way back in the year 1986 and was regularized by the department on 27.09.2008 and he retired from service on 31.08.2016.
4. Given the said facts, this Court is of the opinion that no fruitful purpose would be served in keeping the writ petition pending rather ends of justice would meet, if the writ petition is disposed off with a direction to the respondent No. 2 to 4 to immediately process the claim of the petitioner so far as the releasing of the gratuity and leave encashment is concerned. While considering the said, authorities concerned would also take note of the decision of the Supreme Court in the case of Netram Sahu Vs. State of Chhattisgarh, decided on 23.03.2018 in Civil Appeal No. 1254/2018.
5. Let this exercise be completed by the authorities concerned within a period of four months from the date of receipt of copy of this Order.
6. Accordingly, the present writ petition stands disposed off.

Sd/-
(P. Sam Koshy)
Judge