

HIGH COURT OF CHHATTISGARH, BILASPUR**WPL No. 257 of 2019**

Rajaram, S/o. Late Ghasiya Ram, Aged About 71 Years, R/o. Rudri,
Tahsil & District Dhamtari, Chhattisgarh.

---- **Petitioner**

Versus

1. Executive Engineer, Mahanadi Jalasay Priyojna Dam, Division- 2, Rudri, District Dhamtari, Chhattisgarh.
2. Labour Commissioner / Appellate Authority Under The Payment Of Gratuity Act, Indrawati Bhawan, Naya Raipur, Chhattisgarh.
3. Labour Officer / Controlling Authority Under The Payment Of Gratuity Act, Indrawati Bhawan, Naya Raipur, Chhattisgarh.
4. Treasury Officer, District Treasurer, Raipur, District Raipur, Chhattisgarh.

----**Respondents**

For Petitioner	:	Mr. Hemant Kesharwani, Advocate.
For State	:	Mr. Ravish Verma, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri**Order On Board**

20.01.2020

Heard

1. The only grievance of the petitioner is that by order dated 09.01.2017 the payment of gratuity was directed to be paid which was subject of appeal and the appellate authority too by Annexure P-2 on 22.10.2018 dismissed the appeal. It is stated that only the payment of Rs.1,54,496/- was deposited which too in the wrong head in the Treasury; therefore, the same could not be disbursed to the petitioner.
2. It is stated that the Assistant Labour Commissioner by communication dated 16.04.2018 has requested the Treasury Officer to correct the same and deposit in the correct head as the gratuity was deposited in the wrong head, however, the same has not been followed.

3. Perusal of the record would show it is not in dispute that the payment of gratuity payable to the petitioner at the time of filing of the appeal was deposited by mistake by the office of appellate authority under the Payment of Gratuity Act with the Treasury under the wrong head. The letter filed along with the petition would show that the repeated communication has been made right from by letters 16.04.2018, 18.04.2018, 12.2.2019 & 12.03.2019, however, the same has not been corrected by the Treasury Officer. Under the circumstances, considering the issue, it is directed that the necessary entries in the Treasury may be corrected and the amount be paid to the petitioner within a period of 3 weeks from the date of receipt of a copy of this order. If the amount is not paid within 3 weeks, the State shall be liable to pay the interest @ 12 % and in such case, the State would be at it's discretion to recovery the same from the erring officer concerned.
4. With such observation, the petition stands finally disposed of.

Sd/-
(Goutam Bhaduri)
JUDGE