

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

WPS No. 10926 of 2019

Kishan Gupta S/o Late Shri Vasudev Prasad Gupta Aged About 69 Years R/o Gali No. 2, Nadi Side, Jabda Road, Near Target Education, New Sarkanda, Bilaspur, District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh --- **Petitioner**

Versus

1. State of Chhattisgarh Through Secretary, Department of Co- Operative Societies, Mahanadi Bhavan, New Raipur-Rakhi District Raipur Chhattisgarh.
2. Chhattisgarh State Co-Operative Marketing Federation Limited The Managing Director, Chhattisgarh State Co-Operative Marketing Federation Limited, C. B. D. Complex, Sector- 21, Atal Nagar, Raipur, District Raipur Chhattisgarh.
3. The Secretary Chhattisgarh State Marketing Federation Limited, C. B. D. Complex, Sector- 21. Atal Nagar, Raipur, District Raipur Chhattisgarh.
4. The Chief Accounts Officer Chhattisgarh State Marketing Federation Limited, C. B. D. Complex, Sector-21, Atal Nagar, Raipur, District Raipur Chhattisgarh. --- **Respondents**

07.01.2020	Mr. Vikas Shrivastava, counsel for the petitioner. Mrs. Richa Shukla, Dy. Govt. Advocate, for the State. Mr. Ashish Surana, counsel for respondents 3 and 4. Learned counsel for the petitioner submits that the petitioner had retired in the year 2011 and eventually the gratuity was released on 22.2.2019. However, the interest has not been awarded. Counsel for respondents 3 & 4 would submit that alternative remedy is available to the petitioner u/s 7(4)(b) of the Payment of Gratuity Act and the interest would be also covered under the said Act. Section 7(4)(b) of the Act reads as under : “7. Determination of the amount of gratuity.- <i>(4) (a) If there is any dispute to the amount of gratuity payable to an employee under this Act or as to the admissibility of any claim of, or in relation to, an employee for payment of gratuity, or as to the person entitled to receive the gratuity, the employer shall deposit with the controlling authority such amount as he admits to be payable by him as gratuity.</i>	

R a o	<i>(b) Where there is a dispute with regard to any matter or matters specified in clause (a), the employer or employee or any other person raising the dispute may make an application to the controlling authority for deciding the dispute.”</i> Considering the fact that the dispute has been raised about the payment of interest on gratuity amount, it would be covered under section 7 of the Payment of Gratuity Act, 1972. Since the alternative statutory remedy is available , I am not inclined to entertain this petition at this stage. Accordingly, it is dismissed. However, the petitioner shall be at liberty to file appropriate application before the Controlling Authority under the payment of Gratuity Act claiming the interest. Sd/- (Goutam Bhaduri) Judge	
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