

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 404 of 2021

1. Jagdish Prasad Sahu S/o Shri Laxmi Prasad Sahu Aged About 66 Years
R/o Village - Girdulpali, Post - Gobarsingar, Tahsil - Baramkela, District -
Raigarh, Chhattisgarh.

---Petitioner(s)

Versus

1. State of Chhattisgarh Through The Secretary, Public Health Engineering
Department Mantralay, Mahanadi Bhawan, Atal Nagar, District New
Raipur, Chhattisgarh.
2. The Engineer-In-Chief Public Health Engineering Department Mantralay,
Indrawati Bhawan, Atal Nagar, District Raipur, Chhattisgarh.
3. Chief Engineer Public Health Engineering Department, Bilaspur Circle
Division, District Bilaspur, Chhattisgarh.
4. Superintending Engineer Public Health Engineering Department, Bilaspur
Division, District Bilaspur, Chhattisgarh.
5. Executive Engineer Public Health Engineering Department, Raigarh
Division, District Raigarh, Chhattisgarh.
6. Joint Director Treasury, Account and Pension, Bilaspur, District Bilaspur,
Chhattisgarh.

---Respondents

For Petitioner	:	Ms. Laxmin Kashyap, Advocate.
For State	:	Shri Amit Buxy, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

09.02.2021.

1. The grievance of the petitioner in the present writ petition is to the extent of
non releasing of the gratuity payable to the petitioner as also for the
benefit of arrears of pay and benefits of leave encashment.
2. According to counsel for the petitioner, the petitioner was initially appointed
as daily wage employee on 01.06.1997 and was subsequently regularized
in service on 14.08.2008 and in due course of time on attaining the age of
superannuation the petitioner stood retired from service w.e.f. 31.03.2015.
According to the petitioner, on retirement the petitioner was not given any
retiral benefits which led to the petitioner filing WPS No.8600 of 2019

which was subsequently withdrawn upon the respondent's releasing pension to the petitioner.

3. The grievance of the petitioner now is that the petitioner was also entitled for gratuity, leave encashment and other dues payable which till date has not been granted.
4. As regards the claim for gratuity is concerned, this court is of the opinion that the petitioner can approach the Controlling Authority under the Payment of Gratuity Act so far as claim for gratuity is concerned. However, as regards the arrears of pay as also the benefits of leave encashment is concerned, the respondents No.3 to 6 are directed to ensure that the claim of the petitioner for arrears of pay as also for leave encashment is duly processed and finalized at the earliest within an outer limit of 90 days from the date of receipt of copy of this order and if it is found that the petitioner is entitled for the same then the payment should also be paid forthwith.
5. Writ Petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

inder