

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 526 of 2021**

Smt. Fulbai Wd/o Shri Chamar Singh Aged About 60 Years Resident Of Koriyadadar Gopalpur Basti, Post- Boirdadar Tahsil And District - Raigarh (Chhattisgarh)

---- Petitioner**Versus**

1. State Of Chhattisgarh Through- The Secretary, Public Health Engineering Department Mantralaya, Mahanadi Bhawan, Atal Nagar District New Raipur (Chhattisgarh)
2. The Engineer-In-Chief, Public Health Engineering Department Mantralaya, 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. Varsha Sharma, Advocate
For State	:	Mr. Sudeep Verma, Deputy G.A.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****11/02/2021**

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 husband of the petitioner was initially appointed as daily wage employee in the year 1984 and

was subsequently regularized in service on 14.08.2008 and in due course of time on attaining the age of superannuation he stood retired from service w.e.f. 30.06.2019. According to the petitioner, on retirement the petitioner's husband was not given any retiral benefits which led to the employee filing WPS No. 10555 of 2019 which was subsequently withdrawn upon the respondent's releasing pension to the petitioner.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

Ved