

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 457 of 2021

Smt. Nankun Bariha W/o Late Shri Kalapram Bariha Aged About 62 Years
R/o Village And Post - Kanakbira, Tahsil And Police Station Sarangarh,
District Raigarh, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Rural Industries Mantralay (Resham Department), Mahanadi Bhawan, Atal Nagar, District 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. Varsha Sharma, Advocate.
For State	:	Shri Wasim Miyan, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

10.02.2021.

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 in the year 1981 and was subsequently regularized in service on 27.09.2008 and in due course of time on attaining the age of superannuation the petitioner stood retired from service w.e.f.

31.03.2014. According to the petitioner, on retirement the petitioner was granted only pension however no gratuity and leave encashment was granted.

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.2 to 4 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 he is found entitled for the same it shall also be paid forthwith.
5. Writ Petition accordingly stands disposed of.

SD/-
(P. Sam Koshy)
Judge