

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 1699 of 2021

Chatram Sahu, S/o Late Kunjram Sahu, Aged About 62 Years Occupation - Service, Presently Retired As Electrician Grade -I, Minimata Bango Canal, Division No.5, Kharsiya, District - Raigarh (C.G.), R/o Village - Nariyara, Tahsil - Akaltara, District - Janjgir - Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh, Through The Secretary, Department Of Water Resources, Mahanadi Mantralaya, Naya Raipur, Post Office And Police Station Naya Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. Engineer - In - Chief, Water Resources Department, Chhattisgarh, Sihawa Bhawan, Civil Lines, Raipur Chhattisgarh., District : Raipur, Chhattisgarh
3. Executive Engineer, Minimata Bango Canal, Division No. 05, Kharsiya, District - Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Malay Shrivastava, Advocate
For State	:	Ms. Akanksha Jain, Dy. G.A.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

09/04/2021

1. The grievance of the petitioner in the present writ petition is two folds.
First contention of the petitioner is that the service rendered by the petitioner as a daily wage worker has not been counted for the purpose of quantifying the total amount of gratuity payable to the petitioner.
2. The second contention raised by the petitioner is that though the services of the petitioner were regularized under the respondents in July, 1989 and he has retired from service on 31.03.2020, he has not been paid any amount towards leave encashment, which otherwise he is entitled for.

3. Given the nature of dispute that the petitioner has, as regards his claim for gratuity for the period rendered, this Court is of the opinion that since the claim of the petitioner is under the Payment of Gratuity Act and there is a specific statutory authority provided for ventilating the grievance of the workers/employees disputing the amount of gratuity paid, the petitioner also is directed to approach the Controlling Authority, so far as his claim for payment of gratuity for the period rendered as daily wage worker is concerned.
4. As regards the issue of non-releasing of the leave encashment, the State Authorities are directed to immediately process the claim of the petitioner for leave encashment and take an appropriate decision at the earliest preferably within a period of 60 days from the date of receipt of the copy of this order.
5. In case if it is found that the petitioner is entitled for leave encashment, the entire amount should also be disbursed during this period of 60 days from the date of receipt of the order of this Court, failing which the entire amount shall carry interest @ 10% per annum from the date of retirement till date of actual payment made. The interest part, however would be recoverable from the erring official, who has not promptly processed the claim of the petitioner.
6. With the aforesaid observations, the present writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge