

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 1745 of 2021

Rohit Lal Patel S/o Harichand Patel Aged About 66 Years Retired Amin (Patwari) Water Resources Department, R/o Village Surri, Post Tetla, Tahsil Pussoure, District Raigarh Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Water Resources Department, Mahanadi Bhawan, Mantralaya, Atal Nagar, Post Office And Police Station Naya Raipur District Raipur Chhattisgarh
2. Engineer-In-Chief Water Resources Department, Shivnath Bhawan, Mantralaya, Atal Nagar, Post Office And Police Station Naya Raipur District Raipur Chhattisgarh
3. Joint Director Treasury, Accounts And Pension, Bilaspur Division District Bilaspur Chhattisgarh
4. Chief Engineer Hasdeo Kachhar, Water Resources Department, Bilaspur District Bilaspur Chhattisgarh
5. Superintending Engineer Water Resources Department Circle Raigarh District Raigarh Chhattisgarh
6. Executive Engineer Water Resources Division, Raigarh District Raigarh Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Dhani Ram Patel, Advocate
For State	:	Ms. Hamida Siddiqui, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

09/04/2021

1. The claim of the petitioner in the present writ petition is for a direction to the respondents to consider the claim of the petitioner for grant of gratuity and pensionary benefits.
2. The petitioner in the present writ petition was working as daily wage employee under the respondents since 1986 and subsequently was regularized on 26.06.1998 and finally stood retired from the post of Amin w.e.f. 30.06.2016. The petitioner now after a period of more than

one year has filed the writ petition demanding payment of gratuity. Counsel for the petitioner refers to the judgment of the Supreme Court in the case of **Netram Sahu Vs. State of Chhattisgarh and another reported in (2018) 5 SCC 430** which originated from this Court vide Civil Appeal No.1254 of 2018 decided on 23rd of March, 2018.

3. Perusal of the record would show that the said order also was one which travelled to the High Court and the Supreme Court from the order of the Controlling Authority under the Payment of Gratuity Act, 1972.
4. Given the fact, reserving the right of the petitioner to approach the Controlling Authority under the Payment of Gratuity Act, the present writ petition stands disposed of. If the petitioner approaches the Controlling Authority, it is expected that the Controlling Authority while deciding the claim of the petitioner shall also take note of the judgment of the Supreme Court in the case of “**Netram Sahu**” (supra).

Sd/-
(P. Sam Koshy)
Judge

Ved