

HIGH COURT OF CHHATTISGARH AT BILASPUR

CONT No. 357 of 2021

1. K.S. Pradhan S/o Shri Pitambar Pradhan Aged About 81 Years Resident Of Baidpali , P.O. Bonda , Tahsil Saraipali , District Mahasamund Chhattisgarh Retired Principal Krishak Higher Secondary School Patsendry , Mahasamund , District Mahasamund Chhattisgarh.,
2. Smt. Uttara Sahoo W/o B.K. Sahoo Aged About 80 Years Resident Of Kisdi Post Kisdi , Via Saraipali , District Mahasamund Chhattisgarh Retired Teacher Krishak Higher Secondary School Patsendry , Mahasamund , District Mahasamund Chhattisgarh.
3. T.C. Pradhan S/o Shri Duryodhan Pradhan Aged About 75 Years Resident Of Kutela Chowk , Jaganipali Road, Post Saraipali , District Mahasamund Chhattisgarh Retired Lecturer Krishak Higher Secondary School Patsendry Mahasamund, District Mahasamund Chhattisgarh.
4. B.L. Bagarti S/o Shri Bhajan Bagarti Aged About 75 Years Resident Of Podagarh, Post Bolada, Via Saraipali , District Mahasamund Chhattisgarh Retired Lecturer Krishak Higher Secondary School Patsendry Mahasamund, District Mahasamund Chhattisgarh
5. K.R. Patel S/o Shri Raisingh Patel Aged About 71 Years Resident Of Dagania Post Nawagarh, Via Saraipali , District Mahasamund Chhattisgarh Retired Principal Krishak Higher Secondary School Patsendry Mahasamund, District Mahasamund Chhattisgarh
6. B.L. Pradhan S/o Duryodhan Pradhan Aged About 70 Years Resident Of Toshgaon , Post Toshgaon Via Saraipali , District Mahasamund Chhattisgarh Retired Principal Krishak Higher Secondary School Patsendry Mahasamund, District Mahasamund Chhattisgarh.,
7. B.P. Sahu S/o Shri Bhola Sahu Aged About 71 Years Resident Arjunda, Post Kisdi , Via Saraipali , District Mahasamund Chhattisgarh Retired Principal Krishak Higher Secondary School Toshgaon Mahasamund, District Mahasamund Chhattisgarh.,
8. C.R. Pradhan S/o Shri Hiradhar Pradhan Aged About 70 Years Resident Of Toshgaon, Post Toshgaon Via Saraipali , District Mahasamund Chhattisgarh Retired Upper Division Teacher Krishak Higher Secondary School Toshgaon Mahasamund, District Mahasamund Chhattisgarh
9. H.K. Patro S/o Shri Bhikhari Patro Aged About 73 Years Resident Of Toshgaon , Post Toshgaon , Via Saraipali , District Mahasamund Chhattisgarh Retired Upper Division Teacher Krishak Higher Secondary School Toshgaon, Mahasamund, District Mahasamund Chhattisgarh.
10. S.D. Pradhan S/o Shri Prahlad Pradhan Aged About 70 Years Resident Of Toshgaon , Post Toshgaon , Via Saraipali , District Mahasamund Chhattisgarh Retired Craft Teacher Phuljhar Higher Secondary School Bhagat Deori, Mahasamund, District Mahasamund Chhattisgarh.
11. D.M. Sahu S/o Biharilal Sahu Aged About 75 Years Resident Of Jagdishpur , Civil And Revenue District Mahasamund Chhattisgarh, Retired Lecturer Gramodaya Higher Secondary School Patharla, Mahasamund, District Mahasamund Chhattisgarh
12. J.R. Nishad S/o Dhaniram Nishad Aged About 74 Years Resident Of Patharda, Via Jagdishpur Civil And Revenue District Mahasamund Chhattisgarh, Retired Peon Gramodaya Higher Secondary School Patharla, Mahasamund, District Mahasamund Chhattisgarh.
13. H.D. Pradhan S/o Shri Pratap Pradhan Aged About 78 Years Resident Of Dumarpali , Post Baya , Via Pithora, District Baloda Bazar Bhatapara Chhattisgarh,

Retired Lecturer Gramodaya Higher Secondary School Patharla, Mahasamund, District Mahasamund Chhattisgarh.

14. K.K. Bhoi S/o Shri Santosh Bhoi Aged About 80 Years Resident Of Saraipatera , Post Rasoda , Via Basna , District Mahasamund Chhattisgarh, Retired Teacher Gramodaya Higher Secondary School Patharla, Mahasamund, District Mahasamund Chhattisgarh
15. P. Meher S/o Shri Raj Kumar Meher Aged About 71 Years Resident Of Kisdi , Via Saraipali District Mahasamund Chhattisgarh, Retired Lecturer Gramodaya Higher Secondary School Patharla, Mahasamund, District Mahasamund Chhattisgarh.,
16. K.N. Patel S/o Shri Parikshit Patel Aged About 71 Years Resident Of Gidhapali , Post Bhukel, Via Basna District Mahasamund Chhattisgarh, Retired Lecturer Krishak Higher Secondary School Patsendry, Mahasamund, District Mahasamund Chhattisgarh.
17. Smt. Rukmuni Choudary W/o Of L. Choudhary Aged About 70 Years Resident Of Parsada, Post Saraipali , District Mahasamund Chhattisgarh, Retired Lecturer Gramin Higher Secondary School Toshgaon, Mahasamund, District Mahasamund Chhattisgarh.
18. Smt. Tulsi Pradhan W/o Shri Bat Pradhan Aged About 77 Years Resident Of Toshgaon , Via Saraipali District Mahasamund Chhattisgarh, Retired Farras Gramin Higher Secondary School , Mahasamund, District Mahasamund Chhattisgarh.,
19. R.S. Barik S/o Shri Madhuban Aged About 80 Years Resident Of Singhanpur, Via Saraipali, District Mahasamund Chhattisgarh, Retired Principal Phuljhar Higher Secondary School Bhagat Deori, Mahasamund, District Mahasamund Chhattisgarh.,
20. Smt. Sarita Bagh W/o Shri Shatrughan Bagh Aged About 81 Years Resident Of Kodopali , Post Maladamal, Via Saraipali, District Mahasamund Chhattisgarh, Retired Head Master , Phuljhar Higher Secondary School Kodopali, Mahasamund, District Mahasamund Chhattisgarh.
21. Girish Kumar Choudhary S/o Chaitram Choudhary Aged About 44 Years Resident Of Jagnipal, Post Saraipali District Mahasamund Chhattisgarh, Retired Teacher Krishak Higher Secondary School Patsendry, Mahasamund, District Mahasamund Chhattisgarh
22. R.N. Pradhan S/o Shri Kamta Prasad Aged About 64 Years Resident Of Kishanpur, Post Pithora, District Mahasamund Chhattisgarh, Retired Principal Phuljhar Higher Secondary School Bhagat Deori, Mahasamund, District Mahasamund Chhattisgarh
23. H.S. Sahu S/o Shri Nitai Sahu Aged About 75 Years Resident Of Medinipur, Post Baroli , Police Station Basna, District Mahasamund Chhattisgarh, Retired Craft Teacher Gramodaya Higher Secondary School Patharla, Mahasamund, District Mahasamund Chhattisgarh
24. Smt. Savitri Legal Heir Of Late Shri J.R. Naik Aged About 67 Years Resident Of Kejuan , Post Saraipali, District Mahasamund Chhattisgarh, Retired Upper Division Teacher , Gramin Higher Secondary School Toshgaon, Mahasamund, District Mahasamund Chhattisgarh
25. Government Aided Retired Teacher / Employees Union Puljhar Area (Saraipali) Basna, District Mahasamund Chhattisgarh Through Its President K.L. Pradhan, Aged About 74 Years Son Of Biharilal Pradhan, Resident Of Patharla Mahasamund District Mahasamund Chhattisgarh.

---- **Petitioners**

Versus

- Alok Shukla Principal Secretary, Department Of Education Mahasamund Bhawan, Atal Nagar, Naya Raipur , District Raipur Chhattisgarh

---- **Respondent**

For Petitioners : Mr. Ajay Shrivastava, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order

08.06.2021

1. Heard
2. The instant petition has been filed by the petitioners on the ground that the gratuity has not been paid to the Teachers who were retired prior to 01.04.2013, therefore the contempt has been committed for willful disobedience of the order dated 06.03.2020.
3. Perused the order dated 06.03.2020. In respect of the gratuity, this Court has observed as under:-

“**35.(iii)** The judgments passed by the Controlling Authority and appellate authority whereby the institutions have been directed to pay gratuity on the basis of Letter dt. 07.06.2013 is set aside and the State is held to be liable to pay gratuity to the teachers even if they had retired prior to 01.04.2013.”

4. Therefore, if the individual petitioner claim the gratuity then they have to knock the door of the controlling authority and the observation made in the judgment is not a judgment in persuasion with a direction to consider the case of the individual. If the State is not considering the payment of gratuity to individual, then the individual may approach to the competent authority under the Payment of Gratuity Act 1972. This order cannot be used as a weapon like contempt for execution of an order of gratuity. I do not find that any deliberate disobedience has been committed and it is for the State to take up the issue of each individual case in larger interest as a benevolent state.
5. Accordingly, the contempt petition stands dismissed.

**Sd/-
(Goutam Bhaduri)
Judge**