

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 4088 of 2021**

Shri Ram, S/o Somar Sai, Aged About 65 Years Retired Senior Clerk,
S.E.C.L, Deva Incline North, Chirmiri, R/o Salka, District - Baikunthpur
Chhattisgarh **---- Petitioner**

Versus

1. Chief Managing Director, South Eastern Cold Filed Limited, Seepat Road,
Bilaspur Chhattisgarh
2. Chief General Manager, South Eastern Cold Filed Limited, Chirmiri,
District - Korea Chhattisgarh
3. Colliery Manager, S.E.C.L., Deva Incline North Chirmiri, District - Korea
Chhattisgarh
4. Regional General Manager, (Personal) S.E.C.L. Chirmiri Area, District -
Korea Chhattisgarh **---- Respondents**

For Petitioner	:	Mr. A. K. Prasad, Advocate
For Respondents	:	Mr. Vinod Deshmukh, Advocate

Hon'ble Shri Justice P. Sam Koshy
Order on Board

09/08/2021

1. The present writ petition has been filed seeking following reliefs :-

“10.1 That, this Hon'ble Court may kindly be pleased to issue direction to the respondents for grant of interest upon Gratuity to the petitioner.

10.2 That, this Hon'ble Court may further kindly be pleased to issue direction to the respondents for grant of annual increment @ Rs.500/- from the year 2007.

10.3 That, the respondents may further be directed to fix the salary of the petitioner correctly.

10.4 That, any relief, which this Hon'ble Court deems fit under the facts and circumstances of the case may kindly be granted to the petitioner.”

2. From the pleadings, it appears that the petitioner herein stood retired from service on 31.07.2016. The petitioner himself submits that he had been paid the entire amount within one year from the date of retirement i.e. the somewhere in the year 2017. The present writ petition has been now filed after more than 4 years claiming for interest on the gratuity and also for proper computation of salary payable to the petitioner from 2007 onwards.
3. This Court at this juncture is not inclined to entertain the writ petition on the simple ground of delay on the part of the petitioner in not raising the claim promptly when the amount fell due and when the amount became payable to him or was paid to. The claim of the petitioner also seems to be in terms of the Principal Act of Payment of Gratuity Act, 1972.
4. Given the said facts and circumstances of the case and also taking note of the fact that the petitioner would be an employee/workman under the provisions of the Payment of Gratuity Act and under the Industrial Disputes Act, reserving the right of the petitioner to avail appropriate remedies both under the Payment of Gratuity Act or under the Industrial Disputes Act in respect of two grievances that petitioner has firstly so far as interest on the delayed payment of gratuity and secondly so far as non granting of the proper annual increment from the year 2007 onwards.
5. Reserving the right of the petitioner, the writ petition at this juncture stands disposed of as not maintainable.

Sd/-
(P. Sam Koshy)
Judge

Rohit