

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WRIT PETITION (S) NO. 4379 OF 2021**

1. Sushil Kumar Tiwari, S/o Shri Siddh Gopal Tiwari, aged about 60 years, Occupation Principal, Chhattisgarh Higher Secondary School, Bilaspur (CG). R/o Sharma Vihar Radhagopal Sadan, Khamtarai Road, Sarkanda, Bilaspur, Police Station Sarkanda, District Bilaspur (CG)
2. Lokesh Kumar Shukla, S/o Shri Ramadhar Shukla, aged about 60 years, Occupation Lecturer/U.D.T., Chhattisgarh Higher Secondary School, Bilaspur (CG). R/o School Campus, Chhattisgarh Higher Secondary School, Bilaspur (CG)
3. Dileep Kumar Yadav, S/o Shri Vedram Yadav, aged about 61 years, Occupation Lecturer/U.D.T., Chhattisgarh Higher Secondary School, Bilaspur (CG). R/o Joratalab Road, Gali No.05, Sarkanda, Bilaspur District Bilaspur (CG)

... Petitioners**versus**

1. State of Chhattisgarh, through the Secretary, General Administration Department, Mahanadi Bhawan, Mantralaya, Atal Nagar, Nawa Raipur, District Raipur (CG)
2. The Secretary, Department of School Education, Mantralaya, Mahanadi Bhawan, Atal Nagar, Nawa Raipur, District Raipur (CG)
3. Director, Directorate of Public Instructions, Indrawati Bhawan, Mantralaya, Naya Raipur, District Raipur (CG)
4. Chief Secretary, Finance, Finance Department, Mantralaya, Naya Raipur, District Raipur (CG)
5. Joint Director, Public Instructions, Bilaspur Division, District Bilaspur (CG)
6. District Education Officer, Bilaspur, District Bilaspur (CG)
7. Manager/Management Committee, Chhattisgarh Higher Secondary School, Bilaspur, District Bilaspur (CG)

... Respondents

For Petitioners	:	Mr. Abdul Wahab Khan, Advocate.
For Respondent-State	:	Mr. Suyash Dhar, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****[13/09/2021]**

1. Grievance of Petitioner is the non-granting of gratuity under the Payment of Gratuity Act and also for non-consideration of the claim for pensionary benefits.
2. Learned Counsel for Petitioner submits that the Petitioner was working on the post of Upper Division Teacher under Respondent No.7, a private School, which receives 100% granting aid from the State

Government and thus the Petitioner would be entitled for all that which were applicable in the case of State Government. According to learned Counsel for Petitioner, the Petitioner has not received the gratuity and also not received any pensionary benefits.

3. Learned Counsel for Petitioner relies upon Annexure P-2 which is a judgment/order delivered by this Court on 6.3.2020 partly allowing the bunch of Writ Petitions, leading case of which is W.P.(L) No.223/2017.

4. Plain perusal of Annexure P-2 would establish the fact that the claim settled by this Court in the said Writ Petitions is that which arose from the order passed by the Controlling Authority under the Payment of Gratuity Act.

5. Accordingly, the present Writ Petition also so far as the claim of Petitioner for payment of gratuity is concerned stands disposed of permitting the Petitioner to approach the concerned Controlling Authority under the Payment of Gratuity Act for redressal of his grievances in this regard.

6. As regards the payment of pension, the present Writ Petition at this juncture stands disposed of directing Respondent No.2, 3 & 5 to take appropriate decision on the claim of Petitioner for grant of pension, subject to due verification of the entitlement part and also considering the services that Petitioner has rendered under Respondent No.7 which is a private School.

7. Let appropriate decision so far as the pension is concerned be taken by Respondents No.2, 3 & 5, at the earliest, preferably within a period of 90 days from the date of receipt of copy of this Order.

8. Writ Petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy)
Judge