

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPL No. 12 of 2021**

Somnath Banerjee S/o Late Shri Shambhu Nath Banerjee Aged About 56 Years Occupation Service, R/o Quarter No. 307, Sector-2, B-Type, Balco Nagar, P. S. Balco Nagar, District Korba Chhattisgarh, District : Korba, Chhattisgarh

---- Petitioner**Versus**

1. The Gratuity Officer Cum Assistant Labour Commissioner Korba, District Korba Chhattisgarh, District : Korba, Chhattisgarh
2. Bharat Aluminum Company Limited Through Deputy Manager, Hr, Balco, District Korba Chhattisgarh, District : Korba, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Amiyakant Tiwari, Advocate
For Respondent/s	:	Mr. Abhishek Sinha, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****10/03/2021**

1. The grievance of the petitioner in the present writ petition seems to be relating to the fixation of pay, wages and salary, particularly the non granting of the increments. Likewise the petitioner also seems to have some grievance so far as gratuity is concerned.
2. Considering the fact that petitioner is still in service the provisions of Payment of Gratuity cannot be invoked at this juncture.
3. As regards, the dispute that the petitioner seems to have raised is one which he would have to raise it invoking the provisions of Industrial Disputes Act by moving an appropriate application before the authorities for conciliation so that the appropriate Government can make a reference for being adjudicated. The application which is pending before the respondent no.1 Prima facie does not seem to be tenable before the respondent no.1.

4. Reserving the right of the petitioner to take appropriate steps in accordance with the provision of law before the concerned authority under the concerned provisions of law, the writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

Rohit