

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 5340 of 2021

Jagatram Yadav S/o Late Shri Banau Ram Yadav Aged About 70 Years
Occupation Forest Watchman (Retired), Resident Of Ward No. 18 Pipe
Line, Dhegunala, Dabripar, Korba, Tahsil And District Korba Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Forest Department, Mantralay, Mahanadi Bhawan, Atal Nagar, District New Raipur Chhattisgarh
2. The Chief Conservator Of Forest Bilaspur Circle District Bilaspur Chhattisgarh
3. The Divisional Forest Officer Korba Forest Division, Korba, District Korba Chhattisgarh
4. Joint Director Treasury, Account And Pension, Bilaspur, District Bilaspur Chhattisgarh

---- Respondents

For Petitioner	:	Ms. Laxmeen Kashyap, Advocate.
For State	:	Mr. Ayaz Naved, GA

Hon'ble Shri Justice P. Sam Koshy

Order on Board

04/10/2021

1. The claim of the petitioner in the present writ petition is for grant of benefit of leave encashment upon the petitioner's superannuating from service on 31.07.2013.
2. Counsel for the petitioner submits that respondents ought to have taken into account the services as a daily wage employee for claiming the total length of service for determining the earned leave and other benefits payable to him including payment of gratuity. Counsel for the petitioner relied upon the judgment of the Supreme Court in the case of **Netram Sahu v. State of Chhattisgarh** decided on 23.03.2018 in **Civil Appeal No.1254/2018** so far as gratuity is concerned.

3. As regards the gratuity part is concerned, this Court in the passed also in a series of decision have directed the concerned employee to approach the Controlling Authority under the Payment of Gratuity Act in respect of his grievance pertaining to the gratuity. The judgment in the case of **Netram Sahu Vs. State of Chhattisgarh** decided by Hon'ble Supreme Court also is one which originates from the order of Controlling Authority. The petitioner therefore is directed for approaching the Controlling Authority for ventilating his grievances so far as payment of gratuity is concerned.
4. As regards, the leave encashment part is concerned, let petitioner approach the respondent no.2 & 3 in respect of his claim for leave encashment, the respondent authorities shall consider and take appropriate decision at the earliest preferably within a period of 90 days from the date of receipt of copy of this order.
5. With the aforesaid observations, the writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

Rohit