

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 51 of 2021

1. B. D. Mandal S/o Shri Jainath Mandal, Aged About 62 Years R/o Chherha Para Churcha, Post Office Churcha Colony, District Korea Chhattisgarh.

---Petitioner(s)

Versus

1. South Eastern Coal Fields Ltd. Through Its Chairman Cum Managing Director, Seepat Road, Bilaspur, District Bilaspur Chhattisgarh.
2. Sub Area Manager Churcha Colliery (RO) District Korea Chhattisgarh.
3. General Manager SECL, of the Office of the General Manager Baikunthpur, District Korea Chhattisgarh.
4. Regional Personal Manager, Baikunthpur Area, District Korea Chhattisgarh.

---Respondents

For Petitioner	:	Shri Pritam Tiwari, Advocate.
For Respondents	:	Shri Pankaj Agrawal and Shri Amit Tirkey, Advocates.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

23.02.2021

1. The present writ petition has been filed seeking for grant of interest @ 10 percent on the belated payment of gratuity to the petitioner.
2. According to the petitioner, he had retired from service on 31.01.2014 from the post of Clerk (O.S.) under the respondents. Though the petitioner retired on 31.01.2014, the gratuity amount was paid to the petitioner only on 20.01.2019 i.e. after a period of 5 years and for the said delayed payment the petitioner has not been given any interest and for which he has filed this writ petition.
3. Perusal of pleadings it reflects that the petitioner could not submit his No Dues Certificate to the employer on account of his retaining the companies quarter and for which the respondents had not cleared the gratuity amount timely.
4. Be that as it may, since the claim of the petitioner is for gratuity and the law relating to gratuity is governed under the provisions of the Payment of

Gratuity Act, it would not be proper for this court to entertain the writ petition when the petitioner has efficacious statutory alternative remedy. The petitioner is granted liberty to approach the authority under the Payment of Gratuity Act for grant of interest on the belated payment of gratuity made to the petitioner and on such representation being made, the controlling authority shall decide the same in accordance with law at the earliest.

5. The writ petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

inder