

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 5480 of 2020**

Padmakar Chandrashekhar Deshmukh, S/o Late Sh. Chandrashekhar Deshmukh, Aged About 76 Years R/o 213 - A, Phase-II, MIG (S), Kabir Nagar, Raipur, District - Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh, Through The Secretary, Department Of School Education, Mahanadi Bhawan, Nava Raipur Atal Nagar, District - Raipur, Chhattisgarh
2. Directorate Of Public Education, Through Its Director, Indravati Bhawan, Nava Raipur Atal Nagar, District - Raipur, Chhattisgarh
3. District Education Officer, District - Mahasamund, Chhattisgarh
4. Secretary, Bagbahra Education Committee, Bagbahra, District - Mahasamund, Chhattisgarh
5. Principal, Public Higher Secondary School, Bagbahra, District - Mahasamund, Chhattisgarh
6. Controlling Authority, Payments Of Gratuity Act, 1972, Raipur, District Raipur Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Abhishek Vinod Deshmukh, Advocate
For State	:	Mr. Avinash Singh, PL

Hon'ble Shri Justice P. Sam Koshy**Order on Board****22/01/2021**

1. The petitioner was a teacher since 1968 and was working under the respondent no.5 and has superannuated on crossing the age of

superannuation w.e.f. 30.06.2007. Though he has retired in the year 2007 but till date petitioner has not got gratuity that he is otherwise entitled for.

2. Counsel for the petitioner relied upon the judgment of this Court passed in WPL 223/2017 and other analogous matters decided on 06.03.2020 whereby this Court has in very categorical terms held that Teachers in the aided Schools would also be entitled for payment of gratuity on their retirement.
3. In view of the aforesaid legal position as it stands and in the light of the aforesaid judgment the claim of the petitioner also seems to be justified. From the perusal of the pleadings it appears that petitioner has already approached respondent No.6 Controlling Authority under the Payment of Gratuity Act, where his application is already pending.
4. Given the fact that he has approached the Controlling Authority the writ petition at this juncture stands disposed of directing the respondent No.6 to ensure that the claim application of the petitioner is decided at the earliest in accordance with the provisions of Act and also taking note of the judgment passed by this Court preferably within a period of 90 days.
5. With the aforesaid observations, the writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

Rohit