CGHC010194592017 2026:CGHC:46536

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPL No. 184 of 2017

1 - State Of Chhattisgarh Through Secretary, Water Resources Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur, Chhattisgarh., Chhattisgarh

2 - The Executive Engineer, E / M, Light Machinery, Tubewell And Gates Division Durg, Tahsil And District Durg, Chhattisgarh., District : Durg, Chhattisgarh

--- **Petitioner(s)**

versus

1 - Shri Jagdish Ram Nirmalkar S/o Shri Fagua Ram, R/o Village Pirid, Post Chaurel, Police Station Gunderdehi, Tahsil Gunderdehi, District Balod, Chhattisgarh., Chhattisgarh

--- **Respondent(s)**

WPL No. 195 of 2017

1 - State Of Chhattisgarh Through Secretary, Water Resources Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur, Chhattisgarh, Chhattisgarh

2 - The Executive Engineer, E/ M, Light Machinery, Tubewell And Gates Division Durg, Tahsil And District Durg, Chhattisgarh

---**Petitioner(s)**

Versus

1 - Shri Baburam Kamal S/o Shri Kartik Ram Kamal, R/o Village Mararpara Balod, Post Balod, P.S. Balod, Tahsil And District Durg, Chhattisgarh, Chhattisgarh

--- **Respondent(s)**

WPL No. 189 of 2017

1 - State Of Chhattisgarh Through - Secretary Water Resources Department Mahanadi Bhawan Mantralaya, Naya Raipur District Raipur Chhattisgarh., Chhattisgarh

2 - The Executive Engineer, E / M , Light Machinery, Tubewell And Gates Division Durg, Tahasil And Distict Durg Chhattisgarh.

---Petitioner(s)

Versus

1 - Shri Kirtan Ram Thakur S/o Shri Dayal Ram Thakur, R/o Village And Post - Nipani, Police Station Balod, Tahsil And District Balod Chhattisgarh., Chhattisgarh

--- Respondent(s)

WPL No. 202 of 2017

1 - State Of Chhattisgarh Through Secretary, Water Resources Department, Mahanadi Bhawan, Mantrayala, Naya Raipur, District Raipur Chhattisgarh. Petitioner No. 1 Was Not A Party Before The Learned Appellate Authority And Learned Labour Court, But Has Been Impleaded As Petitioner No.1 Herein As It Is Necessary To Implead The State Govt. Through The Secretary Of Concerned Department , Chhattisgarh

2 - The Executive Engineer, E/m, Light Machinery, Tubewell And Gates Division Durg Tahsil And District Durg Chhattisgarh.

---Petitioner(s)

Versus

1 - Shri Yugal Kishore Sahu S/o S/o Late Shri Bishesar Sahu, R/o Village And Post Newarikala, P. S. Balod, Tahsil And District Balod Chhattisgarh., Chhattisgarh

--- Respondent(s)

WPL No. 185 of 2017

1 - State Of Chhattisgarh Through Secretary, Water Resources Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur, Chhattisgarh, Chhattisgarh

2 - The Executive Engineer, E/ M, Light Machinery, Tubewell And Gates Division Durg, Tahsil And District Durg, Chhattisgarh

---Petitioner(s)

Versus

1 - Smt. Champa Bai S/o W/o Late Deendayal, R/o Village And Post Nahanda, P.S. And Tahsil Doundilohara, District Balod, Chhattisgarh, Chhattisgarh

--- Respondent(s)

WPL No. 186 of 2017

1 - State Of Chhattisgarh Through - Secretary Water Resources Department Mahanadi Bhawan Mantralaya, Naya Raipur District Raipur Chhattisgarh. , Chhattisgarh

2 - The Executive Engineer, E / M , Light Machinery, Tubewell And Gates Division Durg, Tahasil And Distict Durg Chhattisgarh.

---Petitioner(s)

Versus

1 - Shri Arjun Singh Sahu S/o S/o Shri Uttam Singh Sahu R/o Village Tikri, Post Arjunda, Police Station Arjunda, Tahsil And District Balod Chhattisarh., Chhattisgarh

--- Respondent(s)

WPL No. 203 of 2017

1 - State Of Chhattisgarh Through Secretary, Water Resources Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur, Chhattisgarh., Chhattisgarh

2 - The Executive Engineer, E / M, Light Machinery, Tubewell And Gates Division Durg, Tahsil And District Durg, Chhattisgarh.

---Petitioner(s)

Versus

1 - Smt. Nirmla Bai S/o W/o Late Shri Amarsingh Sahu, R/o Village Fagundah, Police Station, Post And Tahsil Gurur, District Balod, Chhattisgarh., Chhattisgarh

--- Respondent(s)

WPL No. 191 of 2017

1 - State Of Chhattisgarh Through - Secretary Water Resources Department Mahanadi Bhawan Mantralaya, Naya Raipur District Raipur Chhattisgarh., Chhattisgarh

2 - The Executive Engineer, E / M , Light Machinery, Tubewell And Gates Division Durg, Tahasil And Distict Durg Chhattisgarh.

---Petitioner(s)

Versus

1 - Shri Ramkishun Sahu S/o S/o Shri Johan Ram Sahu, R/o Village And Post Baghmara Police Station Tahsil And Disrtict Balod Chhattisgarh., Chhattisgarh

--- **Respondent(s)**

WPL No. 190 of 2017

1 - State Of Chhattisgarh Through Secretary, Water Resources Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur Chhattisgarh.....Petitioner No. 1 Was Not A Party Before The Learned Appellate Authority And Learned Labour Court, But Has Been Impleaded As Petitioner No. 1 Herein As It Is Necessary To Implead The State Govt. Through The Secretary Of Concerned Department. , Chhattisgarh

2 - The Executive Engineer, E / M, Light Machinery, Tubewell And Gates Division Durg, Tahsil And District Durg Chhattisgarh.

---**Petitioner(s)**

Versus

1 - Shri Ghanshyam Gautam S/o S/o Shri Brijlal Gautam, R/o Village And Post Devari Bangala, Police Station And Tahsil Doundilohara, District Balod Chhattisgarh., Chhattisgarh

--- **Respondent(s)**

WPL No. 192 of 2017

1 - State Of Chhattisgarh Through Secretary, Water Resources Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur Chhattisgarh.....Petitioner No. 1 Was Not A Party Before The Learned Appellate Authority And Learned Appellate Authority And Learned Labour Court, But Has Been Impleaded As Petitioner No. 1 Herein As It Is Necessary To Implead The State Govt. Through The Secretary Of Concerned Department. , Chhattisgarh

2 - The Executive Engineer, E / M, Light Machinery, Tubewell And Gates Division Durg, Tahsil And District Durg Chhattisgarh.

---**Petitioner(s)**

Versus

1 - Shri Manohar Lal Deshmukh S/o S/o Late Shri Tejram Deshmukh, R/o Village Pirid, Post Chaurel, Police Station And Tehsil Gunderdehi, District Balod Chhattisgarh., Chhattisgarh

--- **Respondent(s)**

WPL No. 198 of 2017

1 - State Of Chhattisgarh Through Secretary, Water Resources Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur, Chhattisgarh, Chhattisgarh

2 - The Executive Engineer, E/ M, Light Machinery, Tubewell And Gates Division Durg, Tahsil And District Durg, Chhattisgarh

---Petitioner(s)

Versus

1 - Shri Ranchhor Singh Chandel S/o S/o Late Shri Ramsingh Chandel, R/o Village Surra, Post Nipani, P.S. Balod, Tahsil And District Balod, Chhattisgarh, Chhattisgarh

--- Respondent(s)

WPL No. 194 of 2017

1 - State Of Chhattisgarh Through Secretary, Water Resources Department, Mahanadi Bhawan, Mantralaya, New Raipur, District Raipur Chhattisgarh Petitioner No. 1 Was Not A Party Before The Learned Appellate Authority And Learned Labour Court, But Has Been Impleaded As Petitioner No. 1 Herein As It Is Necessary To Implead The State Govt. Through The Secretary Of Concerned Department , Chhattisgarh

2 - The Executive Engineer, E/ M, Light Machinery, Tubewell And Gates Division Durg, Tahsil And District Durg Chhattisgarh.

---Petitioner(s)

Versus

1 - Shri Murha Ram Nishad S/o S/o Late Shri Ramcharan Nishad, R/o Village And Post Baghmara, P. S. Balod, Tahsil And District Balod Chhattisgarh., Chhattisgarh

--- Respondent(s)

WPL No. 197 of 2017

1 - State Of Chhattisgarh Through - Secretary Water Resources Department Mahanadi Bhawan Mantralaya, Naya Raipur District Raipur Chhattisgarh., Chhattisgarh

2 - The Executive Engineer, E / M , Light Machinery, Tubewell And Gates Division Durg, Tahasil And Distict Durg Chhattisgarh.

---Petitioner(s)

Versus

1 - Shri Jagdish Prasad Sahu S/o S/o Samaru Ram Sahu, R/o Village And Post Fagundah Police Station Balod Tahsil Gurur, District Balod Chhattisgarh., Chhattisgarh

--- Respondent(s)

WPL No. 196 of 2017

1 - State Of Chhattisgarh Through Secretary, Water Resources Department, Mahanadi Bhawan, Mantralaya, New Raipur, District Raipur Chhattisgarh Petitioner No. 1 Was Not A Party Before The Learned Appellate Authority And Learned Labour Court, But Has Been Impleaded As Petitioner No. 1 Herein As It Is Necessary To Implead The State Govt. Through The Secretary Of Concerned Department , Chhattisgarh

2 - The Executive Engineer, E/ M, Light Machinery, Tubewell And Gates Division Durg, Tahsil And District Durg Chhattisgarh. ----

---Petitioner(s)

Versus

1 - Shri Dadu Ram Yadav S/o S/o Shri Bhagoli Ram Yadav, R/o Village Padaki Bhath, P. S. Balod, Post Tekapar, Tahsil And District Balod Chhattisgarh., Chhattisgarh

--- Respondent(s)

WPL No. 193 of 2017

1 - State Of Chhattisgarh Through Secretary, Water Resources Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur, Chhattisgarh, Chhattisgarh

2 - The Executive Engineer, E/ M, Light Machinery, Tubewell And Gates Division Durg, Tahsil And District Durg, Chhattisgarh

---Petitioner(s)

Versus

1 - Shri Mannu Lal Joshi S/o S/o Shri Ramcharan Joshi, R/o Village And Post Biretera Bhatagaon P.S. Balod, Tahsil And District Balod, Chhattisgarh, Chhattisgarh

---- Respondent(s)

For Petitioner-State : Mr. Vinay Pandey, Dy. Advocate General

For Respondent (s) : Mr. Raj Kumar Pali, Advocate

Hon'ble Shri Justice Narendra Kumar Vyas

Order on Board

03.11.2026

1. Since common questions of law and facts arise for consideration in the present batch of writ petitions, they are being heard together and disposed of by this common order. For the sake of convenience, W.P.(L) No. 184 of 2017 is being treated as the lead case.

2. The instant petition has been preferred by the petitioner-State assailing the order dated 20.01.2017 passed by the Appellate Authority under the Payment of Gratuity Act, 1972, namely, the Deputy Labour Commissioner, Office of the Labour Commissioner, Nava Raipur, Chhattisgarh, in Appeal Case No. 55/P.G.A./2015, whereby the appeal preferred by the petitioner-State was dismissed on the ground of limitation. Consequently, the order dated 31.12.2014 passed by the Controlling Authority under the Payment of Gratuity Act, 1972, Office of the Assistant Labour Commissioner, Durg (C.G.), in Case No. 93/P.G.A./D.G./2012, was allowed to attain finality.

3. Learned counsel for the petitioner-State would submit that the Appellate Authority has failed to examine the appeal on merits and has dismissed the same solely on the ground of limitation contending that the Appellate Authority is empowered to condone the delay only up to a maximum period of 120 days, after statutory period of 60 days prescribed for preferring an appeal. He would further submit that, by the order dated 31.12.2014, the learned

Controlling Authority directed that the respondent's length of service be reckoned from the date of his initial engagement as a workman, i.e., 01.08.1979, and accordingly, directed payment of gratuity for the period commencing from 01.08.1979 up to 26.01.1988, i.e., the date preceding his regularisation in service.

4. Learned counsel would further submit that the question as to whether workmen are entitled to get gratuity for their service rendered prior to regularisation is presently pending consideration before the Hon'ble Supreme Court in Dhansai Sahu vs. *State of Chhattisgarh*, in Civil Appeal No. 564/2020, SLP(C) No. 4790/2019. He would further submit that the Hon'ble Supreme Court has entertained the Special Leave Petition, stayed the operation of the orders passed by the learned Single Judge as well as the Division Bench of this Court, and referred the matter for consideration by the Larger Bench. In view of the pendency of the aforesaid proceedings he would pray for keeping the present batch of writ petitions in abeyance until the issue is determined by the Hon'ble Supreme Court.

5. Per contra, learned counsel for the respondents would submit that the pendency of the aforesaid proceedings before the Hon'ble Supreme Court does not restrain this Court to adjudicate present writ petitions and accordingly, he would pray for adjudication of the writ petitions on merits.

6. I have heard learned counsel appearing for the respective parties and perused the material available on record.

7. Considering the rival submissions and taking note of the fact

that the question of entitlement of workmen for computation of gratuity for the period of service rendered prior to their regularisation is presently pending consideration before the Hon'ble Supreme Court, I am of the view that the entitlement of the present respondents to gratuity for the period of service rendered prior to their regularisation shall be subject to the outcome of the proceedings pending before the Hon'ble Supreme Court.

8. Accordingly, it is directed that, in the event the aforesaid proceedings are ultimately decided in favour of the workmen, the present respondents shall also be entitled to the benefit of the gratuity amount as determined by the learned Controlling Authority.

9. The interim order dated 12.09.2017 passed by this Court shall continue to remain operative until final adjudication of the aforesaid proceedings by the Hon'ble Supreme Court. In the event the issue is decided in favour of the workmen, the petitioner-State shall immediately pay the gratuity amount payable to the respondents, in terms of the order passed by the Controlling Authority.

10. With the aforesaid observations and directions, the batch of the present writ petitions (L) stands disposed of.

Sd/-
(Narendra Kumar Vyas)
Judge

KISHORE KUMAR DESHMUKH
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Date: 2026.11.05 17:32:04 +0530
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