CGHC010410352026 2026:CGHC:44970

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

SHOAIB ANWAR Digitally signed by SHOAIB ANWAR Date: 2026.10.26 17:46:29 +0530

WPS No. 7581 of 2026

Basant Kumar Patel S/o Late Shri Chamru Singh Patel Aged About 69 Years R/o Village And Post Office - Rajadevri, Block - Kasdol, District - Balodabazar - Bhatapara (Chhattisgarh)

... Petitioner(s)

versus

1 - State Of Chhattisgarh Through - Secretary, School Education Department, Mahanadi Bhawan, Mantralaya, Atal Nagar, Nava Raipur, District - Raipur (Chhattisgarh)

2 - Director Directorate Of Public Instruction (D.P.I.), School Education Department, Indrawati Bhawan, Atal Nagar, Nava Raipur, District - Raipur (Chhattisgarh)

3 - District Education Officer District - Balodabazar-Bhatapara, School Education Department, District - Balodabazar-Bhatapara (Chhattisgarh)

4 - Head Master Vidhya Mandi, Rajadevri, Tehsil - Kasdol, District - Balodabazar-Bhatapara (Chhattisgarh)

5 - Collector District - Balodabazar - Bhatapara (Chhattisgarh)

... Respondent(s)

(Cause title taken from CIS)

For Petitioner(s)	**:** Shri Abhishek Singh, Advocate
For Respondent(s)	**:** Shri Soumitra Kesharwani, Panel Lawyer

Hon'ble Shri Bibhu Datta Guru, Judge

Order on Board

26.10.2026

1. Learned counsel appearing for the petitioner submits that, vide order dated 04.09.2023, the Controlling Authority under the Payment of Gratuity Act, 1972, directed the payment of gratuity amounting to ₹12,65,013/- to the petitioner, who had been serving as a teacher in a 100% Government-aided school. It is further submitted that the said order, annexed to the writ petition as Annexure P/1, has neither been challenged nor assailed by the State authorities before any higher forum. Despite the order having attained finality, the respondents have failed to comply with the same.

2. Learned counsel further submits that a Revenue Recovery Certificate (RRC) has also been issued for recovery of the

amount of gratuity as directed by the Controlling Authority. Furthermore, the District Education Officer, vide communication dated 11.12.2025, addressed through the Director of Public Instruction Raipur (C.G.), requested the release of the gratuity amount in terms of the order dated 04.09.2023 passed by the Controlling Authority. However, despite the aforesaid proceedings and communications, the petitioner has not received the amount of gratuity awarded in his favour.

3. Per contra, learned State counsel opposes the submissions advanced on behalf of the petitioner and contends that the Controlling Authority lacked jurisdiction to pass the order dated 04.09.2023, as the institution in which the petitioner was employed does not fall within the category of establishments covered under Section 1(3)(c) of the Payment of Gratuity Act, 1972.

4. Heard learned counsel for the parties and perused the material available on record.

5. Having considered the rival submissions and the material placed on record, it is evident that the order dated 04.09.2023 passed by the Controlling Authority, which has

been brought on record as Annexure P/1, has not been challenged or assailed by the respondents before any competent higher forum. It is also pertinent to note that a Revenue Recovery Certificate has been issued for recovery of the gratuity amount and that the District Education Officer, vide communication dated 11.12.2025, has requested the release of the amount in accordance with the aforesaid order.

6. In the facts and circumstances of the case, this Court is of the considered view that the petitioner cannot be deprived of the benefit of the order passed in his favour by the Controlling Authority merely on the ground of non-compliance by the respondent authorities, particularly when the said order has neither been assailed nor challenged in appropriate proceedings.

7. Accordingly, the writ petition is disposed of with a direction to the respondents to comply with the order dated 04.09.2023 passed by the Controlling Authority under the Payment of Gratuity Act, 1972, and ensure payment of the gratuity to the petitioner, in terms of the said order, within a

period of thirty (30) days from the date of receipt of a copy of this order.

Sd/-

(Bibhu Datta Guru)
JUDGE

Shoaib