

**(2022) 04 CHH CK 0092**

**In the Chhattisgarh High Court**

**Case No : Writ Petition (Service) No. 2970 Of 2022**

Pitamber Sahu

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

**Date of Decision : 26-04-2022**

**Acts Referred:**

**Citation : (2022) 04 CHH CK 0092**

**Hon'ble Judges : P. Sam Koshy, J**

**Bench : Single Bench**

**Advocate : Hemant Kesharwani, R.M. Solapurkar**

**Final Decision : Disposed Of**

## **Judgement**

1. Petitioner in the present Writ Petition is aggrieved of the inaction on the part of Respondent No.2 - Collector, Rajnandgaon in not taking prompt action for execution of the revenue recovery proceeding initiated by the Controlling Authority under the Payment of Gratuity Act, 1972 i.e. Labour Officer, Rajnandgaon, in Case No.19/PGA/Raj./2020.

2. In spite of there being a categorical Order passed by the Controlling Authority so far as the gratuity is concerned, the benefits of the gratuity have not been released to the Petitioner.

3. Petitioner was working as a Gangman under the Respondents and he stood retired from services with effect from 30.11.2017. He was initially paid the gratuity amount of Rs.2,14,336/-. Since the said amount was not properly calculated, the Petitioner approached the Controlling Authority under the Payment of Gratuity Act, 1972 in Case No.19/PGA/Raj./2020.

4. The Controlling Authority passed an Order dated 11.2.2021 in the aforesaid case in favour of the Petitioner holding that the Petitioner is entitled for an amount of Rs.7,74,605/- inclusive of interest and the amount was to be paid within a period of 30 days failing which the entire amount would carry interest at

the rate of 15% per annum.

5. Respondents did not challenge the aforesaid Order of the Controlling Authority any further and by efflux of time the same attained finality. Since the Respondents did not honour the Order of the Controlling Authority, the Petitioner again approached the Controlling Authority who vide Order dated 11.12.2021 directed the Respondent No.2 to immediately initiate necessary revenue recovery proceeding and ensure that the amount payable to the Petitioner is released at the earliest.

6. In spite of the Order issued to Respondent No.2 by the Controlling Authority on 11.12.2021, till date no further development has transpired, which has led to the filing of the present Writ Petition.

7. Considering the limited grievance that Petitioner has and also taking into consideration the fact that the Order of the Controlling Authority has already attained finality and there is also an Order against the Respondents for initiating the revenue recovery proceeding, the present Writ Petition as of now is being disposed of directing the Respondent No.2 to ensure that necessary instructions are issued ensuring compliance of the revenue recovery proceeding initiated by the Controlling Authority in favour of the Petitioner and against the Respondents.

8. Let the entire exercise in this regard be concluded by Respondent No.2 within an outer limit of 45 days from the date of receipt of copy of this Order.

9. It shall be the responsibility of the Petitioner to apprise the Respondent No.2 regarding the Order passed by this Court.

10. With aforesaid direction/observation, the Writ Petition stands disposed of.