

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet
WPL No. 1 of 2022

Commissioner, Municipal Corporation, Dhamtari, **Versus** Horilal Pandey

07.01.2022	Shri Hemant Kumar Agrawal, counsel for the petitioners. Learned counsel for the petitioners would submit that respondent No. 1 has filed application before the Authority under Payment of Gratuity Act, Raipur contending that he has worked since 31.12.1988 and retired on 31.02.2017, as such, he has worked for 28 years, but the Municipal Corporation has treated his services from date of regularization for the purpose of gratuity. Learned Appellate Court had relied upon the judgment of Hon'ble Supreme Court in case of Netram Sahu vs. State of Chhattisgarh order dated 23.03.2018 passed in Civil Appeal No. 1254/2018 which is pending consideration before the larger Bench of the Hon'ble Supreme Court. Therefore, the issue requires to be considered by this Court in the light of outcome of the pronouncement of the final judgment. Accordingly, the writ petition is admitted for hearing. Learned counsel for the petitioner would submit that in compliance of the mandatory Section 7 of the Gratuity Act passed by the Controlling Authority they have already deposited the amount of Rs. 1,22,482/- before the appellate Court. Accordingly, it is directed that the disbursement of the said amount Rs. 1,22,482/- be stayed till the next date of hearing. Issue notice to respondent No. 1 by registered post and respondents No.2 to 3 as per rules. Sd/- (Narendra Kumar Vyas) JUDGE