



2026:CGHC:14794



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 7307 of 2024

- Shri Satish Kumar Sahu S/o Barati Ram Sahu Aged About 66 Years R/o Bihav Bod, Post Baghera, Police Station Ghumka, District Rajnandgaon Chhattisgarh.

... Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Panchayat And Rural Development, Mantralaya, Mahanadi Bhawan, Atal Nagar, Nava Raipur, District Raipur Chhattisgarh.
2. The Collector Rajnandgaon, District Rajnandgaon Chhattisgarh.
3. Chief Executive Officer Zila Panchayat Rajnandgaon, District Rajnandgaon Chhattisgarh.
4. Chief Executive Officer Janpad Panchayat Rajnandgaon, District Rajnandgaon Chhattisgarh.

... Respondents

For Petitioner : Mr. Hemant Kesharwani, Advocate
 For Respondents-State : Mr. Hariom Rai, Panel Lawyer
 For Respondent No. 3 & 4 : Mr. Shaleen Singh Baghel, Advocate

S.B. Hon'ble Shri Justice Parth Prateem Sahu

Order On Board

30/03/2026

1. Today this case is listed on default for non-compliance of the order dated 22.03.2025 of not paying process fee for issuance of notice to Respondent No. 4 and also not filing application for condonation of delay in payment of process fee.
2. Mr. Shaleen Singh Baghel, learned counsel has caused appearance on behalf of Respondents No. 3 & 4 and therefore there is no requirement



of issuance of notice to these respondents and accordingly default(s)

as pointed out by the Registry is overruled.

3. Petitioner has filed this petition seeking following relief (s) :-

“10.1 This Hon’ble Court may kindly be pleased to call for entire records from the office of the respondent in respect of petitioner’s claim.

10.2 The Hon’ble Court may kindly be pleased to direct the respondents No. 3 & 4 to pay gratuity amount with interest.

10.3 The Hon’ble Court may kindly be pleased to direct the Respondent No. 2 to recover gratuity amount as per order 20.10.2023 passed by controlling authority from respondent No. 3 & 4.”

4. Learned counsel for petitioner submits that petitioner while working as panchayat karmi/ Panchayat Secretary stood retired from service after attaining age of superannuation on 31.05.2020. On the date of his superannuation he was getting salary of Rs. 31,064 per month, however, petitioner was not paid the amount of gratuity. Aggrieved with which, petitioner submitted an application under Section 7 of the Payment of Gratuity Act, 1972 (henceforth called as “Act of 1972”) before Controlling Authority under the Act of 1972. The application submitted by petitioner was allowed and the gratuity of sum of Rs. 4,30,116 has been computed to be paid to petitioner along with interest @ 10% from 30.05.2020 till its realization. When the amount as computed by the Controlling Authority is not paid to petitioner or deposited with the concerned authority, petitioner submitted an application under Section 8 of the Act of 1972. After receipt of application under Section 8, the Controlling Authority wrote letter to Respondent No. 2 for recovery of amount of gratuity computed as land revenue. The letter was written on 05.07.2024, however, till date the



Collector has not concluded the proceedings in terms of Section 8 of the Act of 1972.

5. Learned counsel for Respondents No. 3 & 4 would submit that according to his instructions after receipt of letter from the Controlling Authority, Collector/ Respondent No. 2 wrote letter to Director, Panchayat Department on 23.07.2024 for providing funds.
6. Learned State counsel also adopts the submission made by learned counsel for Respondents No. 3 & 4 and made similar submission.
7. I have heard learned counsel for the parties.
8. Along with writ petition, petitioner has also enclosed copy of letter dated 28.09.2013 issued by the Secretary, State of Chhatisgarh, Panchayat and Rural Development Department in which there is specific direction issued for making payment of gratuity to the retired employees and the liability of the same is upon the employer. In the case at hand, Respondents No. 3 & 4 are the employer. It is for the Collector to comply with the directives issued by the Controlling Authority under the provisions of Section 8 of the Act of 1972.
9. When there is specific order of the Controlling Authority of Recovery Revenue Certificate (RRC) in favour of petitioner. Collector is not to adjudicate the matter but is only required to comply with the letter issued by the Controlling Authority under the provisions of Section 8 of the Act of 1972. In the facts of the case, where the Controlling Authority has issued a letter to Collector on 05.07.2024 but even after lapse of nine months proceedings have not been concluded, this writ petition at this stage is disposed of directing Respondent No. 2 to conclude proceedings as forwarded to him by the Controlling Authority under



Section 8 of the Act of 1972, in accordance with law, expeditiously preferably within a further period of 04 months from the date of receipt of order passed by this Court.

10. With the aforesaid observation and direction, this writ petition is disposed of.

Sd/-
(Parth Prateem Sahu)
Judge