



2026:CGHC:14794



2026:CGHC:14795

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 7306 of 2024

- Smt. Shilpa Behra W/o Late Shri Vikram Behra Aged About 38 Years D/o Late Manohar Lal, Aged About 38 Years R/o Simran City Fase- 5, Tikrapara Raipur District- Raipur Chhattisgarh

... Petitioner

Versus

- State Of Chhattisgarh Through The Secretary, Department Of Urban Administration, Mahanadi Bhawan Mantralaya, Naya Raipur (Chhattisgarh)
- The Collector Dhamtari District- Dhamtari (Chhattisgarh)
- The Chief Municipal Officer Nagar Panchayat Kurud District- Dhamtari (Chhattisgarh)

... Respondents

For Petitioner	:	Mr. Hemant Kesharwani, Advocate
For Respondents-State	:	Mr. Hariom Rai, Panel Lawyer
For Respondent No. 3	:	Ms. Shailja Shukla, Advocate

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

Order On Board

30/03/2026

- 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 respondent No. 3 to pay gratuity amount Rs. 3,85,269 and interest.

10.3 The Hon'ble Court may kindly be pleased to direct the Respondent No. 2 to recover gratuity amount as per order 01.03.2024 passed by controlling authority from respondent No. 3.”



2. Learned counsel for petitioner submits that father of petitioner namely Late Shri Manohar Lal was under employment of Respondent No. 3, he stood retire from the post of Safai Kamgar on 30.04.2003. At the time of retirement, father of petitioner was getting a salary of Rs. 9,540 per month. After retirement, 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 vide order dated 01.03.2024 and the gratuity of sum of Rs. 1,92,635 has been computed along with simple interest @ 10% from 01.06.2003 to 01.03.2024 of Rs. 1,92,634, making total payable amount of gratuity with interest to be paid to petitioner as Rs. 3,85,269. 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 issued certificate under Section 8 to Respondent No. 2 for recovery of amount of gratuity computed as land revenue on 07.08.2024, however, till date the Collector has not concluded the proceedings in terms of Section 8 of the Act of 1972.
3. Learned counsel for the respondents would oppose the submission of learned counsel for petitioner.
4. I have heard learned counsel for the parties.
5. On 28.09.2013, the Secretary, State of Chhatisgarh, Panchayat and Rural Development Department issued a letter 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.

6. Be that as it may, in the case at hand, Respondent No. 3 is 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. 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 directive issued by the Controlling Authority under the provisions of Section 8 of the Act of 1972.
7. In the facts of the case, where the Controlling Authority has issued a Certificate forwarding to Collector on 07.08.2024 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.
8. With the aforesaid observation and direction, this writ petition is disposed of.

Sd/-
(Parth Prateem Sahu)
Judge