IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE GURPAL SINGH AHLUWALIA

ON THE 26th OF JUNE, 2023

WRIT PETITION No. 28257 of 2021

BETWEEN:-

ADARSH SHIKSHAN SAMITI KARELI THR. ITS PRESIDENT KARELI DISTT. NARSINGHPUR (MADHYA PRADESH)

.....PETITIONER

(BY SHRI UTKARSH AGRAWAL - ADVOCATE)

AND

1. **BALKRISHNA MISHRA S/O LATE SHRI RAMRATAN MISHRA, AGED ABOUT 69 YEARS, OCCUPATION: RETIRED PRINCIPAL FROM DR. K.L. PAPNEJA MODEL HIGHER SECONDARY SCHOOL KARELI R/O MAHADEV WARD, KARELI, DISTT. NARSINGHPUR (MADHYA PRADESH)**

2. **CONTROLLING AUTHORITY CUM LABOUR OFFICER NARSINGHPUR UNDER PAYMENT OF GRATUITY ACT DISTT. NARSINGHPUR (MADHYA PRADESH)**

.....RESPONDENTS

(SHRI SHUBHAM MISHRA - ADVOCATE FOR RESPONDENT NO.1)

This petition coming on for admission this day, the court passed the following:

ORDER

This petition under Article 226 of the Constitution of India has been filed against the order dated 03.12.2021 passed by Controlling Authority under Payment of Gratuity Act, 1972-cum-Labour Officer, Jabalpur in Gratuity Case No.92/2021.

2. After arguing the matter at length, the counsel for the petitioner submits

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that in view of Section 7(7) of Payment of Gratuity Act, 1972, he may be granted a liberty to file an appeal against the order passed by the Controlling Authority.

3. Since the order under challenge is an appealable order, therefore, the petitioner is permitted to withdraw the petition with liberty to file an appeal.

4. Needless to mention here that while calculating the period of limitation, time spent by the petitioner before this Court i.e. from 17.12.2021 till today shall be excluded.

5. The petition is accordingly **dismissed as withdrawn** with aforesaid liberty.

(G.S. AHLUWALIA)
JUDGE

vc

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