

Court No. - 6

Case :- WRIT - C No. - 25272 of 2023

Petitioner :- Krishi Utpadan Mandi Samiti

Respondent :- Mahendra Pal (Since Dead) And 2 Others

Counsel for Petitioner :- Suresh C. Dwivedi

Counsel for Respondent :- C.S.C., Amit Kumar Mishra

Hon'ble Mrs. Manju Rani Chauhan, J.

Heard Mr. S.C. Dwivedi, learned counsel for the petitioner, Mr. Amit Kumar Mishra, learned counsel for the respondent no.1 and learned Standing counsel for the State-respondents.

The writ petition has been filed with the following prayers:-

"(i) Issue a writ, order or direction in the nature of certiorari to call for the record of the case and quash the impugned order dated 11.08.2022 passed by respondent no.3 in P.G. Case No.11 of 2022 (Sri Mahendra Pal Vs. Mandi Nideshak and others), as well as order dated 15.03.2023 passed by respondent no.2 in P.G. Appeal No.1 of 2023 (Mandi Nideshak & others vs. Sri Mahendra Pal and another).

(ii) Issue a writ, order or direction in the nature of writ of mandamus commanding the respondent no 2 not to release the amount of gratuity to respondent no 1 deposited by the petitioner-Mandi Samiti on 09.12.2022 through Cheque No.753470."

Learned counsel for the petitioner submits that Payment of Gratuity of respondent no.1 are not to be paid according to the provisions of Payment of Gratuity Act, 1972. He further submits that the provisions of Payment of Gratuity Act, 1972 are not

attracted in the case of the respondents. The Mandi Samiti Act and the Regulations framed thereunder are Special Acts, which override the provisions of the Payment of Gratuity Act, 1972, which is a general Act. Therefore, the impugned order is liable to be set aside.

On the other hand, learned counsel for respondent no.1 submits that the controversy being raised in the present case has already been settled in several cases, including Writ C No.11522 of 2020 (Krishi Utpadan Mandi Samiti Vs. Mohan Lal Vigh And 2 Others) and 24841 of 2016 (Krishi Utpadan Mandi Samiti Vs. Appellate Authority And 2 Others).

On perusal of the aforesaid, I find no ground for interference, as the controversy sought to be raised in the present petition stands concluded by the judgement referred to above.

Accordingly, the writ petition is devoid of merit and is **dismissed**.

Order Date :- 12.10.2023

Rahul.