

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21527 of 2013

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Shishir Jaiswal, Son of Late Deodutt Prasad Jaiswal, residing at 1/117, New Patliputra Colony, Opposite of Draupadi Kunj Apartment, P.O. and P.S.- Patliputra, Patna- 800013

.... Petitioner/s

Versus

1. The State of Bihar, represented through the Chief Secretary Labour Resources Department, Govt. of Bihar, Patna
2. The Certificate Officer-Cum-District Panchayat Raj Officer, Bihar Vikash Bhawan Collectorate, Patna
3. The Deputy Labour Commissioner-Cum-Controlling Authority under the payment of Gratuity Act 1972, Patna Division, Patna
4. Sri Santosh Kumar S/O Late Ram Ishwar Chaudhary, Mohalla- Kurji Kumhar Gali, P.O. Sadakat Ashram, P.S. Digha, District- Patna-800010

-----Respondents.

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Appearance :

For the Petitioner/s : Mr. Durgesh Pd. Sinha

For the Respondent/s : Mr. AC to GA-10

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 24-07-2015 Heard Sri Durgesh Prasad Sinha, learned counsel for the petitioner, learned AC to GA-10 as well as Sri Suresh Kumar, learned counsel, who has appeared on behalf of Respondent no.4.

At the very outset, learned counsel for the State raises preliminary objection on the maintainability of the writ petition. He submits that against the order impugned, there is statutory provision of appeal and the petitioner has directly approached this Court.

The Court is of the opinion that the writ petition may not be entertained directly by this Court. If there is statutory remedy for appeal, then the petitioner should first avail the

statutory remedy of appeal. Moreover, considering the facts that in this case, direction has been given to pay meager amount of gratuity to the Respondent no.4, this court is inclined to exercise its writ jurisdiction.

The writ petition stands disposed of.

If so advised, the petitioner may avail statutory remedy of appeal. It goes without saying that the period consumed in pursuing the present writ petition i.e. from 25.10.2013 till date may be excluded, while considering the limitation matter.

(Rakesh Kumar, J)

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