

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18175 of 2014

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The General Manager (Region), Food Corporation of India, Regional Office, Arunachal Building, Exhibition Road, Patna - 800001.

.... Petitioner

Versus

1. The Union of India through the Secretary Ministry of Labour, New Delhi.
2. The Regional Labour Commissioner (Central) , Patna - cum - Appellate Authority, Maurya Lok Complex, 2nd Floor, Patna - 800001.
3. The Assistant Labour Commissioner (Central), Maurya Lok Complex, 2nd Floor, Patna - 800001.
4. Sri Dinesh Kumar Panday, ex-AG-I (Depot). Resident of near Ganga Hat, Rai Nagar Chowk, At and P.O. - Dighi Kala (West), Post Hajipur, District - Vaishali - 844101 (Bihar).

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Suman Kumar Jha
For the Respondent/s : Mrs. Kanak Verma, CGC
Mr. Sunil Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

6 01-09-2015 Heard Sri Prabhat Kumar Verma, learned Senior Counsel, who has appeared on behalf of the petitioner , Smt. Kanak Verma, learned Central Government Counsel as well as Sri Sunil Kumar, learned counsel, who has appeared on behalf of Respondent no.4.

The petitioner has approached this Court by filing the present writ petition with a prayer to quash an order, contained in letter dated 14.02.2014 passed by the Appellate Authority-cum-Regional Labour Commissioner (Central), Patna/ Respondent no.2 (Annexure-1 to the writ petition), whereby the appeal preferred by



the petitioner against the order of Controlling Authority-cum-Assistant Labour Commissioner (Central), Patna (Respondent no.3) was dismissed. The Assistant Labour Commissioner had directed the petitioner to pay the gratuity amount along with interest to the Respondent no.4, whereas the stand of the petitioner was that against Respondent no.4, a departmental proceeding was pending. However, during pendency of the writ petition, certain development had taken place and, as such, supplementary affidavit has been filed on behalf of the petitioner, wherein it has been indicated that in the departmental proceeding, Respondent no.4 has already exonerated and, as such, the petitioner intends to comply the order of the court below. It has been indicated that while preferring the appeal, the petitioner had deposited Rs.9,85,688/- vide Demand Draft No.732115 dated 7.12.2013 in the office of the appellate authority –cum- Regional Labour Commissioner (Central).

In view of facts and circumstances, particularly the fact that Respondent no.4 has already been exonerated in the departmental proceeding and the fact that the petitioner has got no objection in case of payment of deposited gratuity amount in view of earlier order, there is no need to keep the matter pending.

The writ petition stands disposed of with an

observation that as and when the Respondent no.4 approaches the authority concerned for release of the deposited amount, same may be released in favour of the Respondent no.4/ Sri Dinesh Kumar Panday or credited to the account of Respondent no.4 without any delay preferably within six weeks from the date of request made by Respondent no.4.

(Rakesh Kumar, J)

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