IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20520 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 Secretar,y 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. Deo Narrayan Thakur S/O Late Bilash Thakur C/O Sri Bhola Prasad At+P.O.- Bhitri Begampur, Mohalla- Humad Gali, Garhi Par, Near Devi Asthan, Patna City, Distt- Patna- 80009

.... Respondents

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Appearance :
For the Petitioner/s : Mr. Durgesh Pd. Sinha
For the Respondent/s : Mr. AC to SC-27

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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 SC-27 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 dispose of the writ petition.

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 04.10.2013 till date may be excluded, while considering the limitation matter.

(Rakesh Kumar, J)

NKS/-

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