

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3672 of 2012

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The Unit Head, National Jute Manufactures Corporation Limited, Unit R.B.H.M
Katihar, having his office situated at R.B.H.M. Jute Mills, Katihar, District: Katihar
.... Petitioner

Versus

1. Union of India
2. The Assistant Labour Commissioner (C) Patna & Controlling Authority under Payment of Gratuity Act 1972
3. The Certificate Officer, Katihar
4. Sheo Kumar Shukla son of Late Brijnath Shukla resident of mohalla : Durgapur, P.O. & District: Katihar

.... Respondents

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Appearance :

For the Petitioner : Mr. Kumar Dhirendra Pratap Singh, Advocate
For Respondent No.1 : Mr. Ravinder Kumar Sharma, CGC
For Respondent No.4 : Mr. Ravindra Kumar Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 20-06-2016

The present writ petition has been filed against the order dated 05.01.2011 passed by the Assistant Labour Commissioner (C) Patna-1 & Controlling Authority under Payment of Gratuity Act, 1972; for setting aside the entire certificate proceedings and all the actions taken in pursuance of the certificate proceeding bearing Certificate Case No. 01 of 2011-12 pending before the Certificate Officer, Katihar; and for connected reliefs.

2. At the very outset, this Court takes note of the preliminary objection raised on behalf of the respondents that the petitioner has alternative remedy by way of appeal under Rule 18 of the Payment of Gratuity Rules, 1972 against the order dated

05.01.2011 passed by the respondent no.4.

3. In that view of the matter, this Court is not inclined to enter into the merits of the matter in exercise of its extraordinary writ jurisdiction.

4. As regards relief sought with regard to the pending certificate proceedings, the petitioner is always entitled to file objection before the Certificate Officer which appears to have not been done in the present case.

5. In the above view of the matter, the writ petition stands dismissed with liberty to the petitioner to take recourse to any remedy as may be available to it under law for redressal of its grievances.

6. It is made clear that in case such an appeal is filed, the appellate authority would have regard to the present proceeding being pursued by the petitioner while considering any issue relating to condonation of delay, if applicable.

(Vikash Jain, J)

B.T/-

AFR/NAFR	NAFR
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