

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6422 of 2013

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Bihar State Co-Operative Marketing Union Ltd., Biscomaun Bhawan, West
Gandhi Maidan, Patna Through Its Managing Director

.... Petitioner/s

Versus

1. The State Of Bihar
2. Deputy Labour Commissioner - Cum - Authority Under Payment Of
Gratuity Act, 1972, Munger Commissionery At Begusarai
3. Certificate Officer, Begusarai
4. Shri Mangal Mahto S/o Late Jhapshu Mahto R/o Village - Mushadpur,
P.O. Tilrath, P.S. Barauni, District - Begusarai

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Amarnath Deo

For the Respondent/s :

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

5 11-05-2016 Heard Sri Amarnath Deo, learned counsel, who has
appeared on behalf of the Bihar State Co-operative Marketing
Union Ltd. (i.e. petitioner) and learned AC to AAG No. 13.

The petitioner, has approached this court invoking its
inherent jurisdiction with a prayer to quash an order dated
6.8.2005 passed by the Deputy Labour Commissioner –cum-
Authority under the Gratuity Act 1972, Munger Commissionery,
Begusarai whereby he has directed the petitioner to pay gratuity
amount to the tune of Rs. 29,000/- to the respondent no. 4 who
had claimed the amount before the Deputy Labour Commissioner
taking a plea that he had worked in the establishment of
BISCOMAUN at Tilrath. However, gratuity amount was not paid.

By way of referring to the impugned order learned counsel for the petitioner submits that without any notice to the petitioner the impugned order has been passed and as such, the order is liable to be set aside. He submits that the Deputy Labour Commissioner was also not the competent authority to pass the said order.

On perusal of the impugned order it is evident that before passing final order notice was directed to be issued through registered post. On number of occasion notice through registered post was issued even then the petitioner had not responded nor filed any written statement. The court is of the opinion that since petitioner is claiming that the order is ex-parte the appropriate course for the petitioner would be to approach the same authority for review / recall of the said order.

The writ petition stands disposed of.

(Rakesh Kumar, J)

Praful/-

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