

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17476 of 2016

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Muzaffarpur Zila Khadi Gramodyog Sangh through its Secretary Birendra Kumar Son of Late Krishnadeo Singh, resident of Muzaffarpur Zila Khadi Gramodyog Sangh, Muzaffarpur, Head office, Sarvodya Gram (Kanhnauli), Police Station-Mithanpura, District- Muzaffarpur.

.... Petitioner

Versus

1. The State of Bihar
2. The Labour Commissioner, Bihar-cum- Appellate Authority, Vikash Bhawan, New Secretariate, Bailey Road, Patna.
3. The Deputy Labour Commissioner-cum-Controlling Authority under the payment of Gratuity Act, Tirhut Division, Muzaffarpur.
4. Ram Naresh Singh Son of Late Surya Narayan Singh, at present resident of Muzaffarpur Zila Khadi Gramodyog Sangh Complex, Kanhauli, Police Station-Mithanpura, District- Muzaffarpur.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Pradip Kumar, Advocate
Mr. Rajib Ranjan Jha, Advocate
For the State : Mr. Anil Kumar Singh, AC to SC-21
For the Respondent No.4 : Mr. K. N. Gupta, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 30-06-2017

The present writ petition has been filed for setting aside the order dated 12.08.2016 passed by the Labour Commissioner-cum-Appellate Authority in Gratuity Appeal No. 3 of 2015 whereby the appeal filed by the petitioner against the order dated 12.02.2015 passed by the Deputy Labour Commissioner-



cum-Controlling Authority under the Payment of Gratuity Act, 1972 in Case No. 4 of 2008 has been dismissed.

2. It would be evident from the record that the aforementioned appeal was dismissed by the Appellate Authority as the petitioner did not comply with the mandatory requirement of depositing the gratuity amount under sub-Section (7) Section 7 of the Payment of Gratuity Act, 1972 before the Appellate Authority for which eight dates were given.

3. As the mandatory requirement was not fulfilled, the Appellate Authority rightly held the memorandum of appeal as defective and dismissed the appeal.

4. I do not find any illegality in the order passed by the Appellate Authority.

5. Accordingly, the writ petition, being devoid of merit, is dismissed.

(Ashwani Kumar Singh, J.)

Kanchan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	03.07.2017
Transmission Date	NA

