

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17597 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
Singh, Kanhauli, Police Station -Mithanpura, District Muzaffarpur.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary , Labour Resources
Department, Vikash Bhawan, New Secretariate, Baiely Road, Patna.
2. Labour Commissioner, Bihar cum Appellate Authority.
3. Deputy labour Commissioner-cum-the Controlling Authority under the
Payment of Gratuity Act, 1972 Muzaffarpur.
4. Mundrika Prasad Thakur Son of late Durga Prasad Thakur Resident of Village-
Pranpur Budhouli, P.S Bochahan, 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 kr. Singh- GP-26
For 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 petitioner has challenged the order dated
12.08.2016 passed by Labour Commisioner-cum-Appellate
Authority in Gratuity Appeal No. 2 of 2015 whereby the appeal
filed by the petitioner against the order dated 28.03.2014 passed by
the Deputy Labour Commissioner-cum- Controlling Authority
under the Payment of Gratuity Act in Gratuity Case No. 5 of 2007
has been dismissed.

2. Earlier also, the petitioner had challenged the



aforesaid order dated 28.03.2014 passed by the Deputy Labour Commissioner-cum- Controlling Authority in Gratuity Case No. 5 of 2007 by filing a writ petition vide CWJC No. 658 of 2015. The said writ petition was disposed of by this Court on 18.03.2015 with observation that if the appeal is filed within eight weeks, it shall be treated to be an appeal preferred within a statutory period and would be considered and disposed of by the Appellate Authority in accordance with law and after giving an opportunity of hearing to the petitioner as well as respondent no. 3. Thereafter, the petitioner preferred appeal before the Appellate Authority, but he did not comply with the statutory requirement as provided under Section 7(4) of the Payment of Gratuity Act, 1972.

3. In view of non-compliance of the mandatory provisions of law, if the appeal was held to be bad in law, I see no illegality in the order passed by the Appellate Authority. Accordingly, the writ petition, being devoid of any merit, is dismissed.

(Ashwani Kumar Singh, J.)

Kanchan/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	03.07.2017
Transmission Date	N/A

