

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.620 of 2016

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The General Manager (Region), Food Corporation of India, Regional Office,
Arunachal Building, Exhibition Road, Patna-800001

.... Petitioner

Versus

1. The Union of India, through the Secretary, Ministry of Labour and Employment, New Delhi.
2. The Regional Labour Commissioner (Central) Patna-cum-Appellate Authority under the payment of Gratuity Act, 1972, MauryaLok Complex, 2nd Floor, Patna-800001.
3. The Assistant Labour Commission (Central)-cum-Controlling Authority under the payment of Gratuity Act, 1972, MauryaLok Complex, 2nd Floor, Patna-800001
4. Shree Ram Krishna Prasad, Ex-Manager (Accounts), resident of- Mission Compound, Purvidahiyama, P.O.- Head Post Office, Chhapra, District- Saran-841301.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. P. K. Verma, Sr. Advocate
Mr. Suman Kumar Jha, Advocate
Mr. Dr.Mankeshwar Tiwari
For UOI : Mr. S.D Sanjay (ADDL. SOC. GEN.)
For private respondent no.3 :Mr. Navin Nikunj, Advocate
Mr. Nagendra Rai, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 15-11-2017

This writ petition has been filed by the petitioner for the
following reliefs:-

- (i) For quashing the order dated 26/27.05.2015,
passed in Appeal Case No.36/18/2015-
Appeal/RLC, by the Regional Labour



Commissioner (Central), Patna under the Payment of Gratuity Act, 1972 whereby he has dismissed the appeal filed by the management of the Food Corporation of India (for short, 'the FCI') under Section 7(7) of the said Act read with Rule 18 of the Payment of Gratuity (Central) Rules, 1972 against the order dated 30.12.2013/03.01.2014 passed by the Assistant Labour Commissioner-cum-Controlling Authority under the said Act.

(ii) For quashing the order dated 30.12.2013/03.01.2014 passed by the Assistant Labour Commissioner (Central), Patna-cum-Controlling Authority under the Payment of Gratuity Act, 1972 in file No. 48/16/2013/ALC.II whereby the respondent no. 4 has been allowed payment of gratuity beyond the admissible limit + inadmissible interest amounting to Rs.10,37,600/."

2. The Appellate Authority dismissed Appeal Case No.36/18/2015-Appeal/RLC filed by the petitioner under sub-section (7) of Section 7 of the Payment of Gratuity Act, 1972, vide order dated 26/27.05.2015 on the ground that the petitioner failed to deposit the amount of gratuity with interest as directed by the Controlling Authority.

3. The points raised by the petitioner in the present writ petition are squarely covered by the decision of this Court in the



mater of **the General Manager (Region), Food Corporation of India, Regional Office, Patna vs. The Union of India & Ors.** (CWJC No. 8619 of 2016) decided on 12.05.2017.

4. In that view of the matter, the writ petition is dismissed for the reasons, as assigned in the case of **the General Manager (Region), Food Corporation of India, Regional Office, Patna vs. The Union of India & Ors.** (Supra).

(Ashwani Kumar Singh, J.)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.11.2017
Transmission Date	NA

