

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.63 of 2016

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The General Manager (Region), Food Corporation of India, Regional Office,
Arunachal Building ,Exhibition Road, Patna- 800 001

.... 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-800 001.
3. The Assistant Labour Commissioner (Central), Patna-cum - Controlling
Authority under the Payment of Gratuity Act 1972, Mauryalok Complex, 2nd
Floor, Patna-800 001
4. Sri Yogendra Das, Ex-Manager (QC), Resident of Mohalla- Medanimal,
Pokhara, Hajipur, Vaishali.

.... 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, Advocate
For UOI : Mr. S.D Sanjay (ADDL. SOC. GEN.)
For private respondent : Mr. Saroj Kumar Singh, 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 02.07.2015
(Annexure-5) passed in Appeal Case
No.36/31/2015-Appeal/RLC, by the Regional



Labour Commissioner (Central), Patna under the Payment of Gratuity Act, 1972 whereby 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 04/09.12.2013 (Annexure-3) passed by the Assistant Labour Commissioner (Central)-cum-Controlling Authority has been dismissed.

(ii) For quashing the order dated 04/09.12.2013 (Annexure-3) passed by the Assistant Labour Commissioner-cum-Controlling Authority in file No. 48/19/2013/ALC.II whereby full gratuity plus interest has been allowed to the respondent no. 4 (ex-employee) amounting to Rs.9,16,000/-.”

2. The Appellate Authority dismissed Appeal Case No.36/31/15-Appeal/RLC filed by the petitioner under sub-section (7) of Section 7 of the Payment of Gratuity Act, 1972, vide order dated 02.07.2015, 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 judgment of this Court in **the General Manager (Region), Food Corporation of India, Regional**



Office, Patna vs. The Union of India & Ors. (CWJC No. 8619 of 2016) passed 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.)

Kanchan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.11.2017
Transmission Date	NA

