

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8449 of 2017

=====

Raj Kumar Gupta, S/o Late Prabhu Kumar Gupta, R/o Maripur Powerhouse
Chowk, P.S.- Kazimohammadpur, Distt- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Labour Resources Department,
Government of Bihar, Patna.
2. The Deputy Labour Commissioner cum Controlling Authority under payment
of Gratuity Act, 1972, Muzaffarpur, Pin Code No. 842002.
3. The District Certificate Officer, near Registry Office, Court Compound,
Muzaffarpur, Pin Code No. 842001.
4. Sri Akhilesh Mandal, S/o Late Jarmany Mandal, R/o Village- Baritha, P.O.-
Katra, Distt- Muzaffarpur.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Jai Prakash Verma, Adv.

For the Respondent/s : Mr. Ravi Ranjan, AC to SC22

=====

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 26-07-2017

Heard learned counsel for the petitioner and counsel for
the State.

In this case the petitioner is challenging the proceeding
initiated under the P.D.R. Act for recovery of an amount of Rs.
85,153/-.

Gratuity case was filed by the respondent no.4 which
was registered as Case No. G.A. 06 of 2008 before the Deputy Labour
Commissioner cum Controlling Authority, Muzaffarpur who, after
giving full hearing to both the parties, has arrived to a conclusion that
the private respondent was/is entitled to the gratuity amount of Rs.



41,538/- and interest amount of Rs. 43,615/- which comes to Rs. 85,153/-. When the petitioner did not deposit the same, for recovery of the said amount, a proceeding under the P.D.R. Act has been initiated. When the petitioner received the notice, he has filed the present case. In fact the petitioner till date has not challenged the the order passed by the D.L.C.

Learned counsel for the petitioner submits that he will file an appeal against the order dated 17.1.2015 passed in Case No. G.A. 06/2008.

This Court, without entering into the merit of the case, for the present, gives a limited relief to the petitioner that if he deposits the 50% of the total amount in the office of the Controlling Officer, under the Gratuity Act and files an appeal against the order passed by the Controlling Authority, in such circumstances, no coercive action shall be taken against the petitioner at least till disposal of the appeal.

The amount deposited by the petitioner, which is 50% of the total due amount, will be invested in the Bank or post office so that the money deposited may earn the interest and whosoever succeeds in the appeal will be given the aforesaid amount. If the petitioner fails to succeed in appeal, in such circumstances, the amount would be paid to Sri Akhilesh Mandal (Respondent No.4). In



case, he fails to take steps, as mentioned above, the money will be recovered accordingly.

If an appeal is filed by the petitioner along with the 50% of the total due amount within a period of one month from today, the appellate authority will pass orders in accordance with law.

With the aforementioned observation and direction, this application is disposed of.

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	31.07.2017
Transmission Date	NA

