

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.75 of 2016

=====

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 & Employment,
New Delhi.
2. The Regional Labour Commissioner (Central), Patna-cum-Appellate Authority
under the Payment of Gratuity Act, 1972 Maurya Lok Complex, 2nd Floor,
Patna- 800001
3. The Assistant Labour Commissioner (Central)-cum-Controlling Authority
under the Payment of Gratuity Act, 1972, Maurya Lok Complex, 2nd Floor,
Patna- 800001
4. Shri Md. Asif Ali, Ex- Assistant Grade I (Depot), Resident of Village & P.O.-
Dargah Bela, District- Vaishali, State- Bihar, PIN- 843104

.... Respondents

=====

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 : Mr. Praveen Kumar, Advocate

=====

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 26.05.2015
passed in Appeal Case No.36/3/2015-Appeal/RLC
by the Appellate Authority under the Payment of



Gratuity Act, 1972 (Annexure-8) whereby he has dismissed the appeal filed by the management of the Food Corporation of India (FCI) under Section 7(7) of the Payment of Gratuity Act, 1972 read with Rule 18 of the Payment of Gratuity (Central) Rules, 1972 against the order dated 21/26.02.2014 of the Assistant Labour Commissioner (Central)-cum-Controlling Authority under the Payment of Gratuity Act, 1972.

(ii) For quashing the order dated 21/26.02.2014 passed by the Assistant Labour Commissioner (Central), Patna-cum-Controlling Authority under the Payment of Gratuity Act, 1972 in file No. 48/31/2013/ALC.II, (Annexure-6) whereby the writ petitioner has been directed for making the payment of gratuity with interest amounting to Rs.10,20,475/- (Rs.8,91,894 + Rs.1,28,581/-) to the Respondent no. 4, irrespective of the fact that he had been found guilty of charges of grave misconduct and for causing huge loss to the Corporation in departmental disciplinary proceedings and order of recovery of the losses from his terminal dues had been passed by the competent Disciplinary Authority.”

2. The Appellate Authority dismissed Appeal Case No.36/3/2015-Appeal/RLC filed by the petitioner under sub-section (7) of Section 7 of the Payment of Gratuity Act, 1972, vide order



dated 26.05.2015 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 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

