

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1790 of 2017

In

Civil Writ Jurisdiction Case No. 75 of 2016

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

.... Appellant/s

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 Mauryalok Complex, 2nd Floor, Patna 800001.Bihar, Patna.
3. The Assistant Labour Commissioner (Central)-CumControlling Authority Under the Payment of Gratuity Act. 1972, Mauryalok Complex 2nd Floor, Patna-800001.
4. Sri Yogendra Das, Ex-Manager (QC), Resident of MOhalla-Medanimal, Pokhara, Hajipur, Vaishali.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. P. K. Verma, Sr. Advocate
Mr. Suman Kumar Jha, Advocate

For the Respondent/s : Mr.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

**HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY**

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 29-01-2018 Having heard Mr. P.K. Verma, learned senior

counsel for the appellant, and on considering the second proviso to

Section 7 of the Payment of Gratuity Act, 1972, we find no error

in the order passed by the learned Writ Court in refusing to make

indulgence into the matter. The appeal filed by the appellant

herein was not complete, as the deposit, contemplated under

Proviso to Sub-Section 2 of Section 7 of the Act i.e. the amount

determined by the controlling authority under Section 7(4)(c),



interest was not deposited along with the appeal, which was mandatory requirement. Instead, only the admissible amount as per the appellant was deposited.

However, as the appeal of the appellant has not been considered on merit, we grant 30 days' time to the appellant from the date of receipt of a certified copy of this order to deposit the entire remaining amount, as was determined by the competent controlling authority, with interest after determination of the dispute by the controlling authority and on the same being done, the appellate authority shall proceed to decide the appeal in accordance with law.

The appeal stands disposed of.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

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