

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1295 of 2017

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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 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 Jai Prakash Singh, ex-Manager (Depot), son of Late Jugal Singh, resident of Dharamnarayan Road, Madhopur, Basdeopur, Munger, State- Bihar, Pin- 811202.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. P.K.Verma, Sr. Advocate Mr. Suman Kumar Jha, Adv.
For the Respondent/s	:	Mr. S.D SANJAY (ADDL. SOC. GEN.)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 19-02-2018

Having considered learned counsel for the parties,
we are of the considered view that the learned Writ Court has not
committed any error in refusing to interfere into the matter,
primarily on account of the fact that the requirement of 2nd
proviso to Sub-section (7) of the Payment of Gratuity Act, 1972
was not complied with.

However, in a number of cases, identical in nature,
filed before us by the Food Corporation of India, Regional
office, Patna, as a matter of indulgence, we have directed the



Appellate Authority to permit pre-deposit of the amount and thereafter decide the appeal on merit.

However, in this case, we find that the entire gratuity amount payable to the petitioner to a maximum amount of Rs.10,00,000/-, as is contemplated under the Statute, has already been paid to the respondent employee and the pre-deposit now is only with regard to interest awarded by the controlling authority.

That being the position, we direct the appellate authority to decide the appeal filed by the appellant within 45 days from the date of receipt/production of a copy of this order, without insisting upon deposit of the interest directed to be paid by the controlling authority. To that extent, the order passed by the learned Writ Court is modified and the appeal stands allowed.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

K.C.Jha/-

AFR/NAFR	NAFR
CAV DATE	N/A
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