

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1072 of 2017

In
Civil Writ Jurisdiction Case No.17597 of 2016

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Muzaffarpur Zila Khadi Gramodyog Sangh through its Secretary Birendra Kumar Son of late Krishnadeo Singh, Resident of Muzaffarpur Zila Khadi Gramodyog Sangh, Kanhauli, Police Station -Mithanpura, District Muzaffarpur.

... .. Appellant/s

Versus

1. The State of Bihar through the Principal Secretary , Labour Resources Department, Vikash Bhawan, New Secretariate, Bailey Road, Patna.
2. Labour Commissioner, Bihar Cum Appellate Authority.
3. Deputy Labour Commissioner-cum-the Controlling Authority under the Payment of Gratuity Act, 1972, Muzaffarpur.
4. Mundrika Prasad Thakur, Son of Late Durga Prasad Thakur, resident of Village Panapur Budhouli, P.S. Bochahan, District- Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Alok Kumar Sinha Advocate Mr. Indrajeet Bhushan Advocate Mr. Manish Kumar Advocate
For the Respondent/s	:	Mr. Ajay Kumar Rastogi AAG10 Mr. Kripa Nand Gupta Advocate Mr. Baban Kumar Advocate Mr. Sushil Kumar Singh AC to A.A.G. - 10

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

3 13-04-2018 Heard learned counsel for the appellant, counsel for the respondent and counsel appearing on behalf of State.

Since the mandate to deposit the amount ordered by the authorities under the Payment of Gratuity Act, 1972 is a condition precedent to maintain an appeal, non-deposit, which is



an accepted position by the appellants before the appellate authority, for which the appeal was dismissed, and even the writ application was dismissed, cannot be said to be in violation of any law or Statute.

The appellant has an obligation for the mandatory compliance of the provisions of the Payment of Gratuity Act and, therefore, making deposit on 26.07.2017, before preferring the LPA, in no manner helps the appellant in overcoming the requirement, which is mandated at the level of the appellate authority under the Statute.

The Learned Single Judge has not committed any error by refusing to interfere with the impugned order, passed by the appellate authority under Payment of Gratuity Act.

The amounts so deposited by the appellant must be released in favour of the employee, preferably within a period of four weeks now.

Appeal has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

skm/-

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