

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1203 of 2017

In

Civil Writ Jurisdiction Case No.8619 of 2016

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The General Manager (Region) , Food Corporation of India, Regional
Office, Aurnachal 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, Mauryalok Complex, 2nd Floor, Patna - 800001.
4. Shri Madina Shah, Ex - Manager (Depot), resident of Iqbal Hasan Lane, Near Imambara, Mehadi Hasan Chowk, MIT Brahampura, District - Muzaffarpur, Pin - 842003.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. P.K. Verma, Sr. Adv. Mr. Mankeshwar Tiwari
For the Respondent/s	:	Mr. Uday Prakash Sharma

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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)

8 18-06-2018 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 off.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

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