

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.107 of 2018

In
Civil Writ Jurisdiction Case No.165 of 2016

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The General Manager (Region) , Food Corporation of India, Regional Office,
Arunahcal Building , Exhibition Road, Patna-800 1001.

... .. 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-800 001.
3. The Assistant Labour Commissioner (Central)-cum - Controlling Authority Under the Payment of Gratuity Act 1972, Mauryalok Complex, 2nd Floor, Patna-800 001.
4. Shri Ganesh Ram Resident of Village & P.O- Sisahani, Via- Pakaridayal, District East Champaran, Pin-845 428 (Bihar).

... .. Respondent/s

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Appearance :

For the Appellant/s :

For the Respondent/s :

Mr. S.D Sanjay (Addl. Soc. Gen.)

Mr. Arvind Kumar Tiwari, C.G.C.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 28-06-2018

Having heard learned counsel for the parties, keeping in view the provisions of Section 7 of the Payment of Gratuity Act, 1972 and orders passed by us under similar circumstances with regard to the same appellant, one of which is order dated 18.06.2018 in L.P.A. No. 1203 of 2017 by a coordinate Bench of this Court, we allow this appeal in part, set aside the order passed, dismissing the appeal and direct that in



case the appellant deposits the entire amount of gratuity as directed by the Controlling Authority within a period of 30 days from the date of receipt of certified copy of this order along with interest and cost, as directed by the Controlling Authority, the appeal shall be restored to its original file and thereafter the same shall be heard and decided on merit. In case the appellant fails to deposit the amount, as directed hereinabove, within 30 days, as directed, the appellate authority is free to proceed in the matter in accordance with law.

With the aforesaid modification to the order passed by the learned Writ Court, the Letters Patent Appeal stands disposed of.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

P.K.P./-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
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