

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3796 of 2019

1. Uttar Bihar Gramin Bank, Head Office, Kalambagh Chowk, Muzaffarpur, through its Chairman, age. 59 years, Gender-Male.
2. The Chairman, Uttar Bihar Gramin Bank. Head Office, Kalambagh Chowk Muzaffarpur.

... .. Petitioners

Versus

1. The Assistant Labour Commissioner (Central) Pakur and Controlling Authority under Payment of Gratuity Act, 1972.
2. Surendra Nath Das, Son of Late Lalchan Lal Das, Resident of Ward No.14, Near Life Line Hospital, Naya Nagar Colony, P.O. and P.S. Supaul, District-Saharsa, Bihar
3. The Union of India, through the Secretary, Ministry of Labour, Government of India New Delhi

... .. Respondents

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha, Advocate
For the Respondent/s : Mr. Anjani Kumar Sharan, A.S.G.

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 27-02-2019 As there is a provision of appeal, admittedly, the petitioners have not exhausted the same as provided under the Payment of Gratuity Act, but during the course of hearing, it has been submitted that the appeal is maintainable only when the amount assessed is deposited before the Controlling Authority and it will be released without awaiting the result of the Appellate Forum and on this apprehension the appeal has not been filed.

The provision of appeal is provided under Section 7(vii) of the Payment of Gratuity Act. In such view of the



matter, let the petitioner exhaust the alternative remedy of appeal before the Appellate Authority. If the order of the Appellate Authority goes against the petitioners, they will have a liberty to challenge the same before the appropriate authority.

The appeal is maintainable only when the entire amount is deposited before the Controlling Authority. If such an amount is deposited by the petitioners, the Controlling Authority or the Appellate Authority will pass an order for release of the said amount in favour of the workman after disposal of the appeal. The Appellate Authority instead of deciding the issue on limitation will decide the same on its merit.

With the aforesaid observations and directions, this writ petition is disposed of.

(Shivaji Pandey, J)

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