

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18431 of 2017

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1. Food Corporation of India through the General Manager, Regional Office, Arunachal Bhawan, Exhibition Road, Police Station- Gandhi Maidan, District- Patna.
 2. General Manager, Food Corporation of India, Regional Office, Arunachal Bhawan, Exhibition Road, Police Station- Gandhi Maidan, District- Patna.

... .. Petitioners

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 Vijay Shankar Prasad, father's name not known to the petitioners, resident of House No. 15, Kidwaipuri, Police Station- Kotwali, District- Patna.

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr. P.K. Shahi, Senior Advocate
		Mr. Prabhakar Tekriwal, Advocate
For the Respondent/s	:	Mr. S.D Sanjay Addl. Soc. Gen.

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

5 25-06-2019 Heard learned counsel for the petitioners, learned counsel for the Union of India and learned counsel for the private respondent.

In this case, the petitioner is challenging the order dated 29.08.2017 passed by the Appellate Authority under the Payment of Gratuity Act, 1972 i.e. Deputy Chief Labour Commissioner, Patna, whereby and whereunder the Appellate



Authority has dismissed the appeal on the ground of non-compliance of the provisions of sub-Section (7) of Section 7 of the Payment of Gratuity Act, 1972.

Learned counsel for the petitioners submits that the management is ready to deposit the money as per the order of the Controlling Authority.

In such view of the matter, the order dated 29.08.2017 passed by the Appellate Authority-cum- Deputy Chief Labour Commissioner, Patna, is set aside. The matter is remanded back to the Appellate Authority. If the petitioners deposit the statutory amount within a period of 30 days from today, in such circumstance, the Appellate Authority will decide the case on its merit, but during the pendency of the appeal, the amount deposited by the petitioners-management will not be released in favour of the private respondent.

With the aforesaid observations and directions, this writ petition is allowed to the above extent.

(Shivaji Pandey, J)

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