

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5879 of 2017

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The General Manager Region , Food Corporation of India, Regional Office,
Arunachal Building, Exhibition Road, Patna-800001.

... .. Petitioner/s

Versus

1. The Union Of India through the Secretary, Ministry of Labour and 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-800001.
3. The Assistant Labour Commission (Central), Patna-cum-Controlling Authority under the Payment of Gratuity under the Payment of Gratuity Act, 1972, Mauryalok Complex, 2nd Floor, Patna-800001.
4. Shri Dinkar Jha, Son of late Shri Rudra Narayan Jha, C/o Shri Lalan Sharma, TIA, Railway Mokama, Railway Quarter No. Ab/T-126, near Shiv Mandir, Mokama, Police Station-Mokama, District-Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. P.K. Verma, Sr. Adv. Mr. Dr.Mankeshwar Tiwari, Adv. Mr. Suman Kumar Jha, Adv.
For the Respondent/s	:	Mr.S.D Sanjay Addl. Soc. Gen. Mr. Abhya Shankar, CGC

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT

Date : 28-03-2019

Even after service of notice, no one appears for the respondent no.4.

Heard learned counsel for the petitioners and the learned counsel for the Union of India.

In this case, the petitioners are challenging the order dated 26.5.2015 passed in Appeal Case No.36/26/2015/Appeal/RLC by the Regional Labour Commissioner (Central), Patna whereby and whereunder the Appellate Authority has rejected the appeal on the ground that the



petitioner has failed to deposit the money which is computed by the Controlling Authority.

Learned counsel for the petitioner submits that the petitioner would deposit the calculated money towards gratuity, not the interest portion adjusting the amount which has already been paid to the employee concerned.

The Appellate Authority will consider the appeal of the petitioner and decide the case on its own merit but, the money should be deposited within thirty days from today.

In such view of the matter, the order dated 26.5.2015 passed in Appeal Case No.36/26/2015/Appeal/RLC is quashed and the matter is remanded back to the Appellate Authority to pass an order in accordance with law. If the amount is deposited, for the present, the same would not be released by the Controlling Authority or by the Appellate Authority, it will be released subject to final order passed by the Appellate Authority.

Accordingly, this application is disposed of.

(Shivaji Pandey, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	01.04.2019
Transmission Date	

