

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.693 of 2018

In
Civil Writ Jurisdiction Case No.14334 of 2016

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The Chairman, Uttar Bihar Gramin Bank, Kalambagh Road, At & P.S.
Muzaffarpur, District- Muzaffarpur- 842 001

... .. Appellant/s

Versus

1. The Deputy Chief Labour Commissioner (Central), Patna, The Appellate Authority under Payment of Gratuity Act, 1972, Maurya Lok, Patna
2. The Controlling Authority under Payment of Gratuity Act, 1972-Cum-Assistant Labour Commissioner (Central), Pakur
3. Sri Hem Chandra Dutta, Son of Late Ram Sharan Prasad Singh, Mohalla Gaurab Nagar, Islampur, District- Nalanda-801 303.
4. The Union of India through the Secretary, Ministry of Labour and Rehabilitation, Department of Labour and Employment, Delhi

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Prashant Vedasen, Advocate
For the Respondent/s : Mr. Awadhesh Kumar Pandey, Sr. C.G.C.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 21-06-2019

Heard learned counsel for the appellant and the
learned counsel for the respondents.

In a matter of payment of gratuity the issue raised
before the learned Single Judge appears to be that the regulation
framed by the Bank had a binding effect, whereas the contention
of the appellant is that it is the Payment of Gratuity Act, 1972
which will have an overriding effect and which has been
accepted by the learned Single Judge.



Undoubtedly, the regulation framed by the Bank is a regulation framed by the Bank and is subordinate in nature. The Payment of Gratuity Act being a special Central Act has an overriding effect keeping in view the provisions of Section 14 thereof. This finds support from the decision in the case of **Jaswant Singh Gill Vs. Bharat Coking Coal Ltd. And others**, reported in **(2007) 1 SCC 663** as followed in the case of **Union Bank of India and others Vs. C.G. Ajay Babu and another**, reported in **(2018) 9 SCC 529**.

We are, therefore, of the clear opinion that the conclusion drawn by the learned Single Judge does not suffer from any infirmity and, therefore, the appeal lacks merit and is accordingly rejected.

(Amreshwar Pratap Sahi, CJ)

(Anjana Mishra, J)

P.K.P./-

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