

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.439 of 2017

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1. The General Manager (Region), Food Corporation of India, Regional Officer, Arunachal Building, Exhibition Road, Patna- 800001.
 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 Commissioner (Central)-cum-Controlling Authority under the Payment of Gratuity Act, 1972, Mauryalok Complex, 2nd Floor, Patna- 800001.
 4. Shri Pyare Hussain Khan, Ex-Deputy General Manager (General), Mohalla-Shah Azam Colony, Sultanganj, P.O.- Mahendru, District- Patna- 800006.

... .. Petitioner/s

Versus

The Union of India & Ors

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. P.K. Verma, Sr. Adv. Mr. S.K. Sharma, Adv.
For the Respondent/s	:	Mr.S.D Sanjay (Addl. Soc. Gen.) Mr. Abhay S. Jha, CGC

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 08-01-2019 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 9th June 2015 passed in Appeal Case No.36/10/2015- Appeal/RLC by the Regional Labour Commissioner (Central), Patna whereby and whereunder the Appellate Authority has rejected the appeal on the ground that the petitioners have failed to deposit the money which is computed by the Controlling Authority.

The learned counsel for the petitioners submits that



the petitioners 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 petitioners 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 9th June 2015 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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