

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17074 of 2017

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

... .. Petitioner

Versus

1. Krishna Kumar Sah, Naya Tola, Ward No.35, Near Mahavir Mandir, Katihar,
Pin-854105.
2. The Union of India, through the Secretary, Ministry of Labour and
Employment, New Delhi.
3. The Deputy Chief Labour Commissioner, (Central) Patna-Cum-Appellate
Authority, Maurya Lok Complex 2nd Floor, Patna-800001.
4. The Assistant Labour Commissioner (Central), Patna-Cum-Controlling
Authority Under the Payment of Gratuity Act, 1972, Haridanga Bazaar,
Pakur-816107.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr. P.K. Verma, Sr. Advocate Mr. Suman Kumar Jha, Advocate
For the Union of India	:	Mr. S.D Sanjay Addl. Soc. Gen.
For the Private Respondent:		Mr. Dwivedy Surendra, Advocate Mr. Nagendra Dubey, Advocate

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT

Date : 01-04-2019

Heard learned counsel for the parties.

In this case, the petitioner-Food Corporation of India is challenging the order dated 01.09.2016 passed in Case No.36/8/16-APPEAL/Dy.CLC, whereby the Appellate Authority has rejected the appeal of the petitioner on the ground that the appeal has not been filed in terms of Sub-Section 7 of Section 7 of the Payment of Gratuity Act, 1972 as has not deposited the awarded amount of gratuity and interest as directed by the Controlling Authority under the Payment of Gratuity Act, 1972.



Learned counsel for the Food Corporation of India submits that the Corporation has already paid Rs.4,40,051/- to the private respondent and rest amount they will deposit within one month from today.

Learned counsel for the private respondent has not disputed the fact that the Food Corporation of India has already paid Rs.4,40,051/- to the private respondent.

If the petitioner-Food Corporation of India deposits the rest amount after adjusting the amount paid to the private respondent within a period of 30 days from today, in such circumstance, the Appellate Authority will consider the case on merit and decide the same in accordance with law within 30 days thereafter. It is made clear that the deposited amount will not be released by the Controlling Authority or the Appellate Authority, which will be dependent on the outcome of the order passed by the Appellate Authority.

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

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A.
Uploading Date	03.04.2019
Transmission Date	

