

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.518 of 2018

In
Letters Patent Appeal No.870 of 2017

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State Bank of India, Supervising Staff-Co-Operative Credit Society Limited
Situating Judges Court Road, P.S. Gandhi Maidan, Dist.-Patna through its
Honorary Secretary, Rakesh Kumar Kakkar S/o Late Shaligram Khatri

... .. Appellant-Petitioner/s

Versus

1. The State of Bihar through the Secretary Labour and Resources Department,
New Secretariat, Patna.
2. The Labour Commissioner-cum- Appellate Authority under payment of
Gratuity Act,1972,New Secretariat, Patna.
3. The Deputy Labour Commissioner- cum-Controlling Appellate Authority
under payment of Gratuity Act,1972, New Secretariat, Patna.
4. Sri Ravindra Kumar Sinha S/o Late Yogeshwar Charan Sinha, Resident of
Flat No.203, Dev Sharan Palace, Rukanpura, Bailey Road, P.S. Rupaspur,
Dist.-Patna-800014

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Dr. Anshuman, Advocate
Dr. Binod Kr. Jha, Advocate

For the Opposite Party/s : Mr. Ajay Kumar Rastogi, AAG-10
Ms. Smriti Singh, AC to AAG-10

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 06-03-2019



Heard Dr. Anshuman, learned counsel for the applicant and Sri Ajay Kumar Rastogi, learned Additional Advocate General for the respondent-State.

The review application has been filed contending that the applicant is not a profiteering society so as to construe it to be a commercial establishment or shop for the purpose of applying the provisions of the Payment of Gratuity Act, 1972. The argument in essence is that the Division Bench while proceeding to dismiss the appeal has not considered the exact status of the applicant in order to determine as to whether the Act is attributable or not.

We do not find any such error either in fact or in law inasmuch as after having discussed the provisions of the 1972 Act, the Bench further went on to rely on the observations made by the Apex Court in the case of **State of Punjab Versus The Labour Court, Jullundur & Ors. [AIR 1979 SC 1981]** wherein in paragraph-3 (R.H.S.), the Apex Court in the said report has ruled that the expression under Section 1(3) (b) of the 1972 Act is comprehensive and it can be a law in relation to shops as well as, separately, a law in relation to establishments.

We find that the Division Bench did not commit any error in treating the appellant's society to be an establishment and



consequently there is no error on the face of record so as to entertain this review application.

Rejected.

(Amreshwar Pratap Sahi, CJ)

(Ashutosh Kumar, J)

Sunil/-

AFR/NAFR	NAFR
CAV DATE	NA
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