

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
Civil Writ Jurisdiction Case No.439 of 2020**

Manilal Ram, son of Late Lagan Ram, resident of Village- Purani Bazar, Ward No. 10 Bhagwati Asthan, P.O. and P.S.- Madhepura, District- Madhepura.

... .. Petitioner/s

Versus

1. The Managing Director, Food Corporation of India, Headquarter, New Delhi.
2. The Executive Director, Food Corporation of India, Zonal office, Kolkata.
3. The General Manager (R), Food Corporation of India, Regional Office, Arunachal Bhawan, 3rd and 4th floor, Exhibition Road, Patna.
4. The Assistant General Manager (ID), Food Corporation of India, Patna.
5. The Deputy Chief Labour Commissioner, Patna.
6. The Assistant Labour Commissioner, (Central) Patna II.
7. The Manager, (Accounts), Food Corporation of India, District Office Muzaffarpur.
8. The Area Manager, Food Corporation of India, District Office Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar, Adv.
For the Respondent/s : Mr.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 24-06-2020 It is the grievance of the petitioner that the order dated 05.02.2019 passed by the General Manager (R) of the Food Corporation of India has not taken care of the order passed by the ALC ©, Patna in connection with the payment of gratuity with interest to the petitioner. Learned counsel submits that the ALC ©, Patna had earlier allowed the application of the petitioner vide order dated 18/20.11.2013 directing the respondents to make payment of gratuity of Rs.10,00,000/-



+Interest for the period 01.02.2013 to 30.09.2013 @ 10% per annum. It is submitted that the Management being aggrieved by the order dated 18/20.11.2013 had preferred an appeal before the appellate authority where a sum of Rs.10,70,000/- was deposited as a condition precedent for admission of the appeal. It is his grievance that even though the appeal preferred by the management did not succeed and lastly the Management had to pay the amount of gratuity to the petitioner, but because after waiting for three years only Rs.10,70,000/- has been paid to the petitioner, he is the ultimate sufferer.

Learned counsel points out from the impugned order (Annexure-4) that the demand draft submitted by the Food Corporation of India with RLC ©, Patna remained unencashed for one year and it is only after expiry of the validity period of the said demand draft, the Food Corporation of India was directed to revalidate the demand draft and ultimately the amount covered thereunder was paid to the petitioner on or about 09.08.2016.

In course of argument, learned counsel submits that he is aware of the statutory remedy available to the petitioner for enforcement of the order passed by the ALC©, Patna and seeks liberty to file an appropriate application before the said



authority for initiation of an appropriate proceeding if his order dated 18/20.11.2013 has not been obeyed. Learned counsel also seeks liberty to prefer an appropriate application before ALC®, Patna for award of further interest, if occasion so arises, in accordance with law.

Learned counsel for the Food Corporation of India has not joined the proceeding and despite repeated call nobody has responded. Earlier on 07.02.2020 time was also granted to the respondents to file their counter affidavit, but no counter affidavit has come on the record.

In the given facts and circumstances of the case after hearing learned counsel for the petitioner, this writ application is being disposed off with liberty to the petitioner to seek his remedy under the provisions of the Gratuity Act, 1971 (hereinafter referred to as the 'Act') read with the Rules framed thereunder for enforcement of the order dated 18/20.11.2013 or order if any passed by the appellate authority as the case may be. The petitioner would also be at liberty to seek his remedy for getting the statutory interest by filing an appropriate application before the competent authority under the said Act.

If any such application is preferred within thirty days from today and a question of limitation arises for consideration,



the same will be considered by the competent authority keeping
in view that the petitioner was pursuing his remedy before this
Court in the present writ application.

This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

