

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16059 of 2018

Chandrika Ravidas S/o Late Bihari Ravidas, resident of Village- Bidhipur,
P.O.- Karota, P.S.- Shalimpur, District- Patna.

... .. Petitioner

Versus

1. The Union Of India
2. The General Manager R, Food Corporation of India, RO, Bihar.
3. The General Manager Aand R Food Corporation of India, Headquarters,
New Delhi.
4. The General Manager Region, Arunachal Bhavan, Exhibition Road, Patna,
800001.
5. The Area Manager, Food Corporation of India, DO, Patna.
6. The Executive Director, Food Corporation of India, Zonal Office East,
Kolkata.
7. The Deputy General Manager Pers., Food Corporation of India, Regional
Office, Patna.
8. The Manager Account, Food Corporation of India, Exhibition Road, Patna.
9. The Assistant Labour Commissioner, Patna.

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr.Anil Kumar,Advocate Mr.Nishant Kiran,Advocate
For the Respondent/s	:	Mr.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

8 12-03-2021 Heard learned counsel for the petitioner.

Despite waiting for some time, no one appeared on
behalf of the respondent Food Corporation of India and its
authorities who are the contesting respondents.

Since several adjournments have been granted earlier
in this matter, thus, the writ application is being disposed of on
the basis of the materials available on the record.

The petitioner in the present case is seeking following



reliefs:

“(i) For issuance of an appropriate writ commanding the respondents to pay the amount of gratuity of the petitioner.

(ii) For any other reliefs which petitioner is entitled under law of the facts of the said case.”

In course of argument, learned counsel for the petitioner admits that the petitioner had earlier agitated the matter relating to payment of gratuity before the Assistant Labour Commissioner, Central Patna. The order passed by the Assistant Labour Commissioner Central, Patna and the appellate authority under the Payment of Gratuity Act 1972 are under challenge at the instance of the Food Corporation of India in CWJC No. 5928 of 2017. The said writ application is pending consideration before this Court in view of the issues which have arisen for consideration and the connected issues being pending before the Hon’ble Supreme Court.

This Court has gone through the order dated 08.07.2019 passed in CWJC No. 5928 of 2017.

When this Court called upon learned counsel for the petitioner to make a statement as to how he can maintain a writ application for payments of gratuity when another writ application is pending consideration before this Court, learned



counsel for the petitioner submits that in fact the present writ application was filed before issuance of notice to the present petitioner in CWJC No. 5928 of 2017.

Learned counsel for the petitioner, however, submits that in paragraph '22; of the counter affidavit the respondent Corporation has come out with a statement that the admissible gratuity has already been paid to the petitioner way back in the year 2014 and subsequent difference amount on account of order passed by the Managing Director, FCI in revision filed by the petitioner has been calculated and shall be paid at the earliest.

A prayer has, thus, been made to dispose of the present writ application directing the respondents to abide by their own statement made in paragraph '22' of the counter affidavit for the present. Liberty has been sought for to leave it open to the petitioner to raise all such submissions which are available to him in CWJC No. 5928 of 2017.

In the aforesaid facts and circumstances, this writ application is being disposed of taking note of the statement made by the respondents in paragraph '22' of the counter affidavit which reads as under:

“22. That the certificate case, as referred to in paragraph no. 19 of the writ application, is not



maintainable and fit to be rejected at the very outset. This is especially in view of the fact, that admissible gratuity of the petitioner has already been paid to the petitioner way back in 2014 itself and the subsequent difference amount, on account of order passed by the Managing Director, FCI in revision filed by the petitioner, has been calculated and shall be paid at the earliest as already stated above.”

While disposing of the writ application, this Court would direct the respondents to abide by their statements made in the counter affidavit and pay the subsequent difference amount as admitted in paragraph ‘22’ to the petitioner within a period of two months from the date of receipt/production of the copy of this order.

This Court, has not touched upon the issues pending for consideration in CWJC No. 5928 of 2017.

This writ application stands disposed of.

(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’.

