

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2182 of 2022

=====

Lakshmi Sah Son of Late Madan Sah Resident of Vilage and Post- Khajuri,
P.S.- Kalyanpur, District- Samastipur, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar represented through the Labour Commissioner, Bihar, Patna.
2. The Deputy Labour Commissioner, Darbhanga Division, Darbhanga.
3. The District Magistrate, Samastipur.
4. The Divisional Commissioner, Darbhanga Division, Darbhanga.
5. M/s Winsome International Limited, 16-A, Barabourne Road, Kolkata (Mill at M/s Rameshwar Jute Mills, Muktapur, District- Samastipur), represented through its Director, namely, Shri Prakash Charoria.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Chandra Bhushan Prasad, Advocate
For the Respondent/s : Mr. Anil Kr. Singh (GP-26)

=====

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 07-12-2022

Grievance of the petitioner is for a direction to consider his representation dated 03.07.2021 and it relates to Payment of Gratuity. Petitioner has remedy before the controlling authority in filing application under Section 7 of the Payment of Gratuity Act, 1972.

Perusal of the records petitioner has not presented application before the competent authority for determination of the amount of gratuity. Therefore, the present petition is not maintainable.

Accordingly, the present writ petition stands



disposed of reserving liberty to the petitioner to submit written application before the competent authority and seek gratuity which is stated to be due to him within a period of eight weeks from the date of receipt of this order.

The competent authority is hereby directed to take note of petitioner's written application for determination of gratuity amount. Delay, if any in filing such written application under Section 14 of the Limitation Act, 1963 shall be taken into consideration for the purpose of condonation of delay. So also Apex Court decision in Suo Motu Writ Petition (C) No. 3 of 2020 & Analogous cases with reference to Covid-19 that during the period from March, 2020 till 28.02.2022 shall stand excluded for the purposes of limitation as may be prescribed under any general or special laws in respect of all judicial or quasi-judicial proceedings.

(P. B. Bajanthri, J)

rakhi/-

AFR/NAFR	
CAV DATE	NA
Uploading Date	13.12.2022
Transmission Date	NA

