

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4268 of 2022

Winsome International Limited a company incorporated under Indian Companies Act 1956 having its registered office at 5th Floor, 16A Brabourne Road, Kolkata 700001, proprietor of M/S Rameshwara Jute Mills, Muktapur, P.O. Navrang, Samastipur, District Samastipur, Bihar through its Authorized Representative namely Kumar Rajesh, Son of Late Suresh Chandra Prasad, aged about 53 years, R/o Chhapra Colony, New Jakkanpur, P.O. Patna GPO, P.S.- Jakkanpur, Patna- 800001, Bihar.

... .. Petitioner/s

Versus

1. The Union of India through Secretary, Ministry of Labour and Employment, Government of India.
2. The Deputy Labour Commissioner cum Controlling Authority of Payment of Gratuity Act 1972, Darbhanga Division, Darbhanga.
3. The District Magistrate, Samastipur, Bihar.
4. The Deputy Collector cum Certificate Officer, Samastipur, Bihar.
5. Jharokhi Shah Son of Late Ram Swarup Shah Resident of Village- Gohi, PO- Gohi, PS- Warisnagar, District- Samastipur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Siddhartha Prasad, Advocate
For the Respondent/s	:	Dr. K.N. Singh, ASG
		Mr. Pradeep Kumar, Advocate CGC
		Mr. Ravindra Kumar, Advocate CGC
		Mr. Sriram Krishna, JC to ASG

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 05-05-2022 Petitioner has prayed for the following relief(s):

“a) For issuance of appropriate writ(s)/order(s)/ direction(s) for quashing the ex-parte Order dated 20.07.2019 passed by the Deputy Labour Commissioner cum Controlling Authority of Payment of Gratuity Act 1972,



Darbhanga Division, Darbhanga in Gratuity Case No. 16/2018 whereby and whereunder the Petitioner has been directed to pay the Gratuity amount of Rs.261336/- including interest to Respondent No. 5.

b) For issuance of appropriate writ(s)/order(s)/ direction(s) for staying the operation of certificate proceeding qua Respondent no. 5 bearing Certificate Case No. 07/2019-20 and for quashing the entire certificate proceeding pending against the petitioner pursuant to the abovesaid order dated 20.17.2019 whereby and where under petitioner has been directed to pay Rs.269279/- as final payment in the Certificate case vide its order dated 16.10.2019.

c) For issuance of appropriate writ(s)/order(s)/ direction(s) to stay the operation of all the impugned payment Orders until the disposal of this writ application.

d) For issuance of appropriate writ(s)/order(s)/ direction(s) to pass such other order(s), direction(s) to which Petitioner may be found entitled in the facts and circumstances of the instant case.”

After the matter was heard for some time, finding the Court not in favour of the submissions made by the learned counsel for the petitioner, learned counsel for the petitioner, under instructions, states that the petitioner shall be content if



the petition is disposed of, with liberty to initiate appropriate proceedings before the appropriate forum, including filing of an appeal, and to take recourse to such other alternate remedies which are equally efficacious in law.

Prayer allowed.

Since the petitioner has been pursuing remedies before this Court, the issue of limitation shall not be allowed to come in the way, more so in view of the current pandemic Covid-19.

The petition is disposed of as withdrawn with the liberty aforesaid.

Interlocutory application(s), if any, shall also stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/DKS

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