

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10945 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.

... .. 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 Additional Collector cum Certificate Officer, Samastipur, Bihar.
5. Rajendra Das Son of Late Laxman Das, Resident of Village and P.O. Basudeopur, P.S. - Kalyanpur, District - Samastipur.
6. Basudeo Paswan son of Late Ram Pragash Paswan, Resident of Village - Gopalpur, P.O. - Muktapur, P.S. - Kalyanpur, District - Samastipur.
7. Sukhdeo Pandit son of Late Gyan Chand Pandit, Resident of Village- Godha Maniarpur, P.O. - Muktapur, P.S. - Kalyanpur, District - Samastipur.
8. Bindeshwar Mahto son of Late Lakhan Mahto, Resident of Village and P.O. Basudeopur, P.S. - Kalyanpur, District - Samastipur.
9. Badlu Sah son of Late Anandi Sah, Resident of Village and P.O. - Khajuri, P.S. - Kalyanpur, District - Samastipur.
10. Ram Sohag Mahto son of Late Maheshwar Mahto, Resident of Village - Pratapur, P.O. - Muktapur, P.S. - Kalyanpur, District - Samastipur.
11. Ram Naresh Rai son of Late Dhanukdhari Rai, Resident of Village - Keshopatti, P.O. - Muktapur, P.S. - Kalyanpur, District - Samastipur.
12. Ramdeo Thakur son of Late Jageshwar Thakur, Resident of Village - and P.O. - Bisihpur, P.S. - Kalyanpur, District - Samastipur.
13. Ashok Kumar Karn son of Late Haridya Narain Lal, Resident of Village - Kolhuara, P.O. - Narga, P.S. - Kalyanpur, District - Samastipur.
14. Kishundeo Mahto son of Late Ram Autar Mahto, Resident of Village - Mannipur, P.O. Tari, P.S. - Barisnagar, District - Samastipur.
15. Kameshwar Rai son of Late Munshi Rai, Resident of Village - and P.O. - Muktapur, P.S. - Kalyanpur, District - Samastipur.
16. Ram Sohag Choudhary son of Late Thugan Choudhary, Resident of Village - Chatarpur, P.O. - Muktapur, P.S. - Kalyanpur, District - Samastipur.
17. Gauri Kant Jha son of Late Jaikant Jha, Resident of Village - Pratapur, P.O. - Muktapur, P.S. - Kalyanpur, District - Samastipur.



18. Jhagaru Das son of Late Nannipat Das, Resident of Village - Gopalpur, P.O. - Muktapur, P.S. - Kalyanpur, District - Samastipur.
19. Ram Balak Paswan son of Late Binda Pawan, Resident of Village - Gopalpur, P.O. - Muktapur, P.S. - Kalyanpur, District - Samastipur.
20. Dataram Prasad son of Sri Ram Kripal Mahto, Resident of Village and P.O. - Basudeopur, P.S. - Kalyanpur, District - Samastipur - 848102.
21. Bhola Jha son of Late Ramchandra Jha, Resident of Village - Pratapur P.O. - Muktapur, P.S. - Kalyanpur, District - Samastipur - 848102.
22. Tildhari Rai son of Late Sant Lal Rai, Resident of Village - and P.O. - Muktapur, P.S. - Kalyanpur District - Samastipur - 848102.
23. Sri Arun Kumar Karn son of Late Kapileshwar Lal, Resident of Village - Kalhuara, P.O. - Naraga, P.S. - Kalyanpur, District - Samastipur- 848102.
24. Sri Nathuni Baitha son of Late Dasai Baitha, Resident of Village - Chak Jafar, Govindpur, Khajuri, P.O. - Khajuri Via Kalyanpur, P.S. - Kalyanpur, District - Samastipur. - 848102.
25. Ranjit Kumar Karn, son of Late Haridya Narain Lal Resident of Village - Kadhuara, P.O. Naraga, P.S. - Kalyanpur, District - Samastipur - 848102.
26. Lakshmi Sah son of Late Madan Sah, Resident of Village and P.O. - Khajuri, P.S. - Kalyanpur, District - Samastipur - 848102.
27. Anand Singh son of Late Dhilo Singh, Resident of Village - Malti, P.O. - Bhagwanpur, Desura, P.S. - Ujjarpur, District - Samastipur - 848102.
28. Maheshwar Mahto son of Late Sitaram Mahto, Resident of Village - Musepur, P.O. - Naraga, P.S. - Kalyanpur, District - Samastipur- 848102.
29. Kedar Nath Sinha son of Late Binda Prasad Verma, Resident of Village- Govindpur, Khajuri, P.O. - Khajuri, P.S. - Kalyanpur, District - Samastipur- 848102.
30. Gauri Shankar Das son of Late Anupi Das, Resident of Village - Govindpur, Khajuri, P.O. - Khajuri, P.S. - Kalyanpur, District - Samastipur- 848102.
31. Ramashish Rai son of Late Dhanik Lal Rai, Resident of Village - Keshopati, P.O. - Muktapur, P.S. - Kalyanpur, District - Samastipur - 848102.
32. Ramchandra Rai son of Late Dhanukdhari Rai, Resident of Village - Keshopati, P.O. - Muktapur, P.S. - Kalyanpur, District - Samastipur - 848102.
33. Dilip Kumar Lal son of Late Tek Narain Lal, Resident of Village - Kalhuara, P.O. - Naraga, P.S. - Kalyanpur, District - Samastipur. - 848102.
34. Mahendra Mahto son of Late Ramji Mahto, Resident of Village - Kusaiya, P.O. - Kusaiya, P.S. Warishnagar, District - Samastipur - 848102.
35. Ramdeo Mahto son of Late Parmeshwar Mahto, Resident of Village and P.O. - Kusaiya, P.S. - Warishnagar, District - Samastipur - 848102.
36. Ashok Kumar Karn son of Late Jageshwar Lal, Resident of Village - Kalhuara, P.O. - Naraga, P.S. - Kalyanpur, District - Samastipur - 848102.
37. Ram Suresh Rai son of Late Bhagat Rai, Resident of Village - Keshopati, P.O. - Muktapur, P.S. - Kalyanpur, District - Samastipur - 848102.
38. Gopal Mahto son of Late Nathuni Mahto, Resident of Village- Bhagirath,



- P.O.- Naraga, P.S. - Kalyanpur, District - Samastipur - 848102.
39. Anant Kumar Jha son of Late Raj Narain Jha, Resident of Village and P.O. - Kushothar, P.S. - Laheriasarari, District - Darbhanga.
40. Ram Udgar Thakur son of Late Ram Autar Thakur, Resident of Village - Musepur, P.O. Naraga, P.S. - Kalyanpur, District - Samastipur - 848102.
41. Ramdeo Rai son of Late Bishelal Rai Resident of Village- Musepur, P.O. - Naraga, P.S. - Kalyanpur, District - Samastipur - 848102.
42. Ram Bhushan Prasad Singh son of Late Ram Govind Prasad Singh, Resident of Village- Kalhuara, P.O. - Naraga, P.S. - Kalyanpur, District - Samastipur - 848102.
43. Sitaram Mahto son of Late Gyanchand Mahto, Resident of Village - Hasanpur, P.O.. - Muktapur, P.S. - Kalyanpur, District - Samastipur - 848102.
44. Nageshwar Das son of Late Anupi Das, Resident of Village and P.O. Kusaiya, P.S. Warishnagar, District - Samastipur. - 848102.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Nawnit Kumar Tiwary, Advocate Mr. Ravi Bhushan Pd. Sinha, Advocate Mr. Prashant Bhushan, Advocate
For the Respondent/s	:	Dr. K.N. Singh, Additional Solicitor General Mr. Anil Kumar Singh, G.P. 26

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

(The proceedings of the Court are being conducted by Hon'ble the Chief Justice/ Hon'ble Judges through Video Conferencing from their residential offices/residences. Also, the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)

Date : 12-08-2022

Heard learned counsel for the parties.

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

“For issuance of appropriate writ(s)/
order(s)/ direction(s) providing liberty to prefer



appeal against the ex-parte orders which are annexed in Annexure-1 series, while condoning the delay in preferring such appeal, in light of the earlier order of this Hon'ble Court in two similarly situated cases i.e., CWJC No.-4268 of 2022 (Winsome International Limited v. Union of India & Others.) and CWJC No. 4319 of 2022 (Winsome International Limited v. Union of India & Others.) which are annexed as Annexure - 4 & 5 respectively, And

ii. For issuance of appropriate writ(s)/ order(s)/ direction(s) restraining the Respondent No. 4 (The Additional Collector cum Certificate Officer, Samastipur, Bihar) from taking any coercive steps in clubbed certificate cases, annexed as Annexure-3, And/or

iii. Pass such other order/orders which this court deems fit and proper in the facts and circumstances of this case for securing the ends of justice.”

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)

Amrendra/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	16.08.2022
Transmission Date	

