

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.22758 of 2019

Hitchandra Jha S/o Late Vishwambhar Jha, Resident of Qtr. No. 3/36, Weaker
Section, Lohia Nagar, P.O.-Lohia Nagar, P.S.-Kankarbagh, Dist-Patna-20.

... .. Petitioner/s

Versus

1. The State of Bihar through the Commissioner-cum-Principal Secretary,
Department of Labour, Government of Bihar, Patna.
2. The Commissioner-cum-Principal Secretary, Department of Labour,
Government of Bihar, Patna.
3. The Deputy Labour Commissioner-cum-Competent Authority under the
Payment of Gratuity Act, Labour Court, Patna Division, Patna.
4. The District Magistrate, District-Patna.
5. The Certificate Officer-cum-District Panchayat Raj Officer, Collectrate,
Patna, District-Patna.
6. The Director General of Police, Bihar, Patna.
7. The Senior Superintendent of Police, District-Patna.
8. The Station House Officer, P.S.-Kotwali, District-Patna.
9. The Patliputra Builders Pvt. Ltd., Maharaja Kameshwar Complex, Frazer
Road, Patna.
10. Anil Kumar, S/o Late Chhatoo Chaudhary, Director of the Patliputra
Builders Pvt. Ltd., 007, Saboo Complex, Exhibition Road, Patna-1.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Bimal Kumar Jha, Advocate

For the Respondent/s : Mr. Raghwendra Kumar (SC 22)

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT



(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 13-12-2022

Heard learned counsel for the parties.

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

“I. For issuance of a writ in the nature of mandamus. commanding and directing the respondent Certificate Officer to take necessary and effective steps under the Bihar and Orissa Public Demand Recovery Act, 1914 in connection with Certificate Case No. 03, 07, 17, 19, 20, 21, 22, 23, 69, 95, 121, 122 of 2005-06 and 728 of 2017 pending with him so that the certificate amount due to the employees of the respondent N & P Ltd. be realized from the respondent Developer within one month.

II. For issuance of a writ in the nature of mandamus, commanding and directing the respondent Station House Officer, Kotwali P.S. and the Senior Superintendent of Police, Patna to take all necessary steps in execution of the arrest and attachment warrant directed to them against the Developer within one month so that the above mentioned certificate cases can be disposed of or concluded.

III. For issuance of an appropriate writ, direction or order to take necessary action against the erring authorities/respondents who are responsible to the delaying of the disposal of the above mentioned certificate cases.



IV. For any other relief/reliefs
for which the petitioner may be found entitled in
the facts and circumstances of the case.”

Petitioner’s grievance is that even though he is the certificate holder and in reference to the certificate proceedings initiated in the year 2005-06, the benefits of gratuity has not yet been disbursed. The matter is pending consideration before the Certificate Officer/appropriate authority under the provisions of the Bihar & Orissa Public Demands Recovery Act, 1914 (hereinafter referred to as “the Act”). Despite the petitioner pursuing the matter for last five years, the proceedings are being delayed for no fault of the petitioner, as such it is prayed that the direction be issued for expeditious hearing of Certificate Case Nos. 03, 07, 17, 19, 20, 21, 22, 23, 69, 95, 121, 122 of 2005-06 and 728 of 2017. The District Magistrate, Patna and Sr. Superintendent of Police, Patna through learned counsel undertake to fully cooperate and provide all assistance as may be warranted in the certificate proceedings.

We direct the parties to bring themselves available before the appropriate authority on 10.1.2023 and 12.1.2023 with a further direction that the proceedings be



positively concluded within a period of six months.

The petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, stands disposed of.

(Sanjay Karol, CJ)

(Partha Sarthy, J)

Spd/-Sujit

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

