

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7361 of 2021

1. Raghunath Singh, Son of Raja Singh, resident of Village-Paithanpatti Pathra, P.S.-Baikunthpur, District-Gopalganj.
2. Bageshwar Pandey, Son of Late-Raja Pandey, resident of Village-Baheliya, P.S.-Baheliya, District-Siwan.
3. Hira Lal Prasad, son of Munshi Prasad, resident of Village-Ram nagar, P.S.-Amlai, District-Siwan.
4. Anita Devi, Widow of Late Sugriw Prasad @ Sugrim Prasad, resident of Village Panchrukhi, P.S.-Nawton, District-Siwan.
5. Ram Nagina @ Ram Ngina Singh, Son of Fagu Singh, resident of Village-Nonar Kapardar, P.S.-Bhalpur Rani, District-Deoria, Uttar Pradesh.
6. Babulal Prasad, son of Singasan Prasad, resident of Village-Panchrukhi, P.S. Panchrukhi, District-Siwan.
7. Md. Sabir, son of Ishmail Miya, resident of Village-Dewapur Tola, P.S. Gopalganj, District-Gopalganj.
8. Ram Sundar Prasad, son of Guljar Prasad, resident of Village-Turpatti, P.S. Hathua, District-Gopalganj.
9. Mogal Sah, Son of Nirekhan Sah, resident of Village-Narayanpur, P.S. Mirganj, District-Gopalganj.
10. Kashi Nath Noniya, Son of Gajendra Noniya, resident of Village-Badarjimi, P.S. Mirganj, District-Gopalganj.
11. Suresh Chaudhary, Son of Shivpujan Choudhary, resident of ward No. 10, Hajiyapur khad, P.S. Gopalganj, District-Gopalganj.
12. Basdeo Chaudhary @ Wasdeo Chaudhary, son of Shivilal Choudhary, resident of Hakim Tola, P.S. Sauran, District-Gopalganj.
13. Kanti Devi, Widow of Late Ram Nagina Ram, resident of Village-Hathua Tola, P.S.-Hathua, District-Gopalganj.
14. Rajendra Sharma, son of Motichand Sharma, resident of Village-Savana, P.S. Sauna, District-Siwan.

... .. Petitioner/s

Versus

1. Union of India through Secretary Ministry of Labour and Employment, New Delhi.
2. Central Provident Fund Commissioner Vavisya Nidhi Bhawan, 14-Bhikaji Kama Place, New Delhi-110066.
3. Regional Provident Fund Commissioner Employees Provident Fund Organisation, Sub Regional Office Surya Complex Laxmi Chowk, Muzaffarpur-842003.
4. The Senior Divisional Manager, Life Insurance Corporation Of India, Kolkata Metropolitan Divisional Office-1 P and GS Unit-9th floor Jeewan Prakash 16 Chitranjan Avenue Kolkata-700072.



5. Sri P.C. Verma, Trustee UB Distilleries LTD Employees Gratuity Fund Mirganj, District-Gopalganj, resident of Village and P.O.-Ziradei, P.S.-Ziradei, District-Siwan-841245.
6. Branch Manager, State Bank of India Mirganj Branch, P.S.-Mirganj, District-Gopalganj,

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Natraj Verma, Advocate
For the Respondent/s	:	Mr. Ratnesh Kumar, Advocate
For the SBI Bank	:	Mr. Satya Vrat, Advocate
For the LIC	:	Mr. Arvind Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

4 17-03-2023 Learned counsel for the petitioners submits that during the pendency of the writ petition, the respondents have released the Provident Fund amount, but the payment of gratuity has not been released.

The Payment of Gratuity Act, 1972 (hereinafter referred to as 'the Act') provides to proceed for recovery of gratuity and also penalties which may be imposed for non-payment of gratuity. An application in this regard is required to be moved to the concerned authorities in terms of the Act of 1972 which has the statutory power for passing appropriate directions including imposing penalty and also taking effective measures.

Granting liberty to the petitioner to approach the authority concerned by filling appropriate application in terms of the Act of 1972, the writ petition is disposed of.



However, if such an application is filed, the same shall be considered and decided expeditiously preferably within six months.

(Sanjeev Prakash Sharma, J)

Ashwini/-
Item No.21

U			
---	--	--	--

