

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7873 of 2022

Kamal Singh, aged 68 years, Male, Son of Baidya Nath Singh, Resident of Mohalla- Ward No.- 32 near Neha Nurshing Home Koirpurwa, P.S.- Buxer Town Distt.- Buxer.

... .. Petitioner/s

Versus

1. The Food Corporation of India through its Chairman cum Managing Director 16-20 Barakhambha Lane New Delhi.
2. The Chairman Cum Managing Director, Food Corporation of India 16-20 Barakhamba Lane New Delhi.
3. The Executive Director (East Zone) Food Corporation of India 10-A Middleton Row Kolkata- 71
4. The General Manager (Region) Food Corporation of India Regional Office Arunanchal Bhawan 3rd and 4th Floor Exhibition Road, Patna.
5. The Asstt. General Manager (Vig.) Food Corporation of India Regional Office Arunanchal Bhawan 3rd and 4th Floor Exhibition Road, Patna.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 2507 of 2022

1. Food Corporation of India through the General Manager, Regional Office, Arunachal Bhawan, Exhibition Road, Police Station- Gandhi Maidan, District- Patna.
2. General Manager, Food Corporation of India, Regional Office, Arunachal Bhawan, Exhibition Road, Police Station- Gandhi Maidan, District- Patna.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Labour and Employment, New Delhi.
2. The Deputy Chief Labour Commissioner (Central) Patna-cum- Appellate Authority under the payment of Gratuity Act, 1972, Maurya Lok Complex, 2nd Floor, Patna- 800001.
3. The Assistant Labour Commissioner (Central)-cum- Controlling Authority under the payment of Gratuity Act, 1972, Maurya Lok Complex, 2nd Floor, Patna- 800001.
4. Shri Kamal Singh son of Late Baidyanath Singh resident of Mohalla- Koirpurwa, near Neha Nurshing Home, Buxar, District- Buxar- 802101.

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 7873 of 2022)



For the Petitioner/s : Mr. Mukesh Kumar No1, Advocate
For the Respondent/s : Mr. Prabhakar Tekriwal, Advocate
: Mr. Sanjay Kumar, Advocate
(In Civil Writ Jurisdiction Case No. 2507 of 2022)
For the Petitioner/s : Mr. Sanjay Kumar, Advocate
For the Respondent No. 4 : Mr. Mukesh Kumar, Advocate
For UOI : Mr. Praveen Kumar Sinha, Sr. Advocate

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

3 04-01-2023

CWJC No. 7873 of 2022

CWJC No. 7873 of 2022 is not maintainable in the light of Section 8 – Recovery of Gratuity under the Payment of Gratuity Act, 1972. In other words, petitioner has a statutory remedy before the Controlling Authority for the purpose of recovery of gratuity amount from the employer. In that regard, Controlling Authority was required to issue certificate. On receipt of certificate, the Jurisdictional Collector is required to take further action insofar as recovery of gratuity from the employer.

Accordingly, the present writ petition is not maintainable. Hence, writ petition CWJC No. 7873 of 2022 stands dismissed reserving liberty to the petitioner to approach concerned authority.

CWJC No. 2507 of 2022

Learned counsel for the Food Corporation of India/petitioners seeks time to provide judicial pronouncements of the Apex Court.



Registry is directed to de-link CWJC No. 2507 of
2022. Re-list this matter on 18.01.2023.

Interim order to continue till the next date of hearing.

(P. B. Bajanthri, J)

GAURAV S./-

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