

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8015 of 2022

Mishri Hembrom, Son of Jita Hembrom, Resident of Village-Banglia, P.O.-
Mandro, P.S.-Mirzachauki, Distt.-Sahebganj, State-Jharkhand.

... .. Petitioner/s

Versus

1. The Food Corporation of India through its Chairman cum Managing Director, 16-20 Barakhamba 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 Arunachal Bhawan, 3rd and 4th Floor, Exhibition Road, Patna.
5. The Asst. General Manager (Vig.) Food Corporation of India Regional Office Arunachal Bhawan, 3rd and 4th Floor, Exhibition Road, Patna.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 2551 of 2022

1. Food Corporation of India through the General Manager, Regional Office, Arunachal Bhawan, Exhibition Road, Police Station- Gandhi Maidan, District- Patna.
2. The 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 Mishri Hembram Fathers name not known Resident of Village- Banglia, Post- Mandro, via- Mirzachuk, District- Sahebganj, Jharkhand.

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 8015 of 2022)



For the Petitioner/s : Mr. Mukesh Kumar No1, Advocate
For the Respondent/s : Mr. Prabhakar Tekriwal, Advocate
Mr. Sanjay Kumar, Advocate
For UOI : Mr. Rakesh Kumar Sinha, CGC
(In Civil Writ Jurisdiction Case No. 2551 of 2022)
For the Petitioner/s : Mr. Sanjay Kumar
For the Respondent/s : Dr. Krishna Nandan Singh (Asg)
Mr. Rakesh Kumar Sinha, CGC
Mr. Mukesh Kumar, Advocate

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

3 04-01-2023

CWJC No. 8015 of 2022

CWJC No. 8015 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. 8015 of 2022 stands dismissed reserving liberty to the petitioner to approach concerned authority.

CWJC No. 2551 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. 2551 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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