

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.494 of 2023

=====

The Chairman, Madhya Bihar Gramin Bank, (Now Known as Dakshin Bihar Gramin Bank) Head Office, Sri Vishnu Commercial Complex, Asochak Chowk, New Bypass Road, (N.H.30), Patna-8000030.

... .. Petitioner/s

Versus

1. The Union of India, through the Ministry of Labour and Employment, New Delhi.
2. The Deputy Chief Labour Commissioner, (C)-Cum-Appellate Authority Under the Payment of Gratuity Act 1972, Maurya Lok Complex, 2nd Floor, Patna-800001.
3. The Assistant Labour Commissioner-1 (C)-Cum-Controlling Authority Under the Payment of Gratuity Act 1972, Pakur, At and P.O. and P.S.-Pakur, District-Pakur.
4. Sri Vidya Sagar Prasad Son of Late Deoprit Prasad Resident of Village-Musapur, Near Dharampur High School, P.O.-Samastipur, District-Samastipur-848101 (Bihar).

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr.Praveen Prabhakar, Advocate
For the Respondent/s	:	Mr.Additional Solicitor General

=====

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

3 01-02-2023 In the instant petition, petitioner has prayed for the following reliefs:-

“(a) To issue a writ of certiorari for quashing the judgment and order dated 12.2.2021 (Annexure – 3), passed by the learned Assistant Labour Commissioner (C)-cum-Controlling Authority under the Payment of Gratuity Act 1972, in P.G. Application no. 48/141/2019-ALC/PKR,) through which the private respondent has been found entitled to get amount as calculated by him for the entire period of his service i.e., rupees 7,59,931/- along with simple interest @ 10% per annum for the period in between 1.12.2016 till date on the



gratuity amount i.e., rupees 7,59,931/- and direction has been issued to the petitioner Bank to pay the same within period of 30 days from date of receipt of order.

(b) To issue a further writ of certiorari for quashing the judgment and order dated 30.3.2022 (Annexure – 6), passed by learned Deputy Chief Labour Commissioner, (C)-cum-Appellate Authority, Patna under the payment of Gratuity Act 1972 to the extent though which he has been pleased to dismiss the appeal in part on erroneous grounds.

(c) To any other relief or reliefs for which the petitioner may be found entitled to.”

Respondent No. 4 – Mr. Vidya Sagar Prasad was subjected to disciplinary proceedings and it was concluded in imposition of penalty of compulsory retirement. Question for consideration as to whether Respondent No. 4 - Mr. Vidya Sagar Prasad is entitled to gratuity or not?

In identical matter in the case of Madhya Bihar Gramin Bank vs. Atmesh Kumar Roy in LPA No. 33 of 2021 decided on 02.01.2023, it is held that compulsory retirement punishment would not come in the way of payment of gratuity.

In the light of the aforesaid decision the present petition stands dismissed.

(P. B. Bajanthri, J)

abhishekk/-

U			
---	--	--	--

