

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9050 of 2022

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Krishna Nandan Jha @ Krishna Nand Jha son of Late Umesh Chandra Jha,
resident of Bela Chhapda, P.O.-M.I.C. Bela, P.S.-Sherpur, District-
Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, General Administration Department, Bihar, Patna.
3. The Labour Commissioner, Bihar, Patna.
4. The Principal Secretary, Labour Department, Bihar, Patna.
5. The Divisional Commissioner, Tirhut Division, Muzaffarpur.
6. The Deputy Labour Commissioner, Muzaffarpur.
7. The District Magistrate, Muzaffarpur.
8. The Superintendent of Police, Muzaffarpur.
9. The District Transport Officer, Muzaffarpur.
10. The Certificate Officer, Muzaffarpur.
11. The Officer in Charge, Industrial Police Station, Bela, Muzaffarpur.
12. M/s Keys Brake Hoses, Industrial Police Station, Bella, Muzaffarpur
through its partner Sri Ajit Narain Khatri son of Late Laxmi Narain Khatri,
Flat no. 7C, Chikdasar Castle, 74 Narikeldanga, Main Road Lake, Calcutta.
13. Smt. Kumod Khatri, Wife of Sri Ajit Narain Khatri, partner of M/s Keys
Brake Hoses, residing at Flat no. 7C, Chikdasar Castle, 74 Narikeldanga,
Main Road Lake, Calcutta.
14. Smt. Chitra Khatri, Wife of Late Pratap Narain Khatri, partner of M/s Keys
Brake Hoses, residing at Flat no. 7C, Chikdasar Castle, 74 Narikeldanga,
Main Road Lake, Calcutta.
15. Sri Asim Kumar Khatri, Son of Sri Ajit Narain Khatri, partner of M/s Keys
Brake Hoses, residing at 19, H I G, Sangam Vihar, Jamshedpur, Jharkhand.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Amit Kumar Anand
For the Respondent/s : Mr. Smt. Anuradha Singh (Sc21)

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CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL ORDER

19 16-09-2025

Heard the learned counsel for the parties.

The present writ petition has been filed for the



following relief(s):-

“(i) For issuance of a writ in the nature of Mandamus directing and commanding the respondents to take steps and to ensure payment of amount of arrear salary, Bonus, EPF and Group Insurance etc. with interest to the petitioner and others as has been held by the Certificate Officer, Muzaffarpur in Certificate Case immediately without any further delay.

(ii) For issuance of an appropriate writ directing and commanding the respondents to take steps and to ensure the payment of the aforesaid legitimate dues of the petitioner with interest for the period the aforesaid legitimate dues of the petitioner and others have not been paid or are not being paid to the petitioner and others.

(iii) For issuance of an appropriate writ directing and commanding the respondents to compensate the petitioner and others for the harassment which the petitioner and others have been subjected to face.

(iv) For any other relief/ reliefs of which the petitioner and others are legally entitled to.”

3. It is the case of the petitioner that the petitioner was an ex-employee of the respondent No. 12 herein (i.e., M/s Keys Brake Hoses, Bela Muzaffarpur). That the said unit was shut down by its partners without notifying any of the workers nor clearing their dues. That after a long legal struggle against both the Government and the former management of M/s Keys Brake Hoses for recovery of the unpaid wages, bonuses, provident fund money and insurance benefits etc., the respondents were directed to pay a sum of Rs. 84,399/- but even after a lapse of more than ten years, the respondent No. 12 till date has not paid



the amount.

4. Learned counsel has submitted that the Deputy Labour Commissioner-cum-Controlling Authority, Muzaffarpur *vide* order dated 07.05.2013 has directed for the payment of the amount due to the petitioner within a period of one month failing which, it could carry an interest at the rate of 10% per annum but till date the amounts have not been paid. Thereafter, the Certificate Case has been filed by the Deputy Labour Commissioner for recovery of the above unpaid amounts but the same has not culminated in final orders till date. That the private respondent herein has been adopting delaying tactics only to see that the order passed by the Deputy Labour Commissioner-cum-Controlling Authority is frustrated and the amounts due to the petitioner are not paid.

5. In the counter-affidavit filed by the official respondents, the above mentioned facts have not been denied. However, it is contended that the petitioner has not made any specific grievance against them and is only seeking execution of the award which is pending before the District Certificate Officer, Muzaffarpur.

6. In the counter-affidavit filed by the private respondent No. 12 herein, the above facts have not been denied,



however, it is stated that the majority of the payment were made to the 21 employees insofar as the petitioner is concerned, he did not come forward to collect the demand drafts which was prepared in his name. That the petitioner ought to have approached the respondent No. 12 for collecting the demand draft but he did not do so. That the firm has become defunct and the private respondent cannot be made liable for the lapses committed by the petitioner himself. That out of the 32 former employees 29 have already been paid and the remaining 3 including the petitioner did not come forward to collect the demand drafts. Though the petitioner was served notices to come and collect the demand draft, the petitioner did not come forward therefore, the respondent No. 15 cannot be penalized for the mistakes/ lapses committed by the petitioner. Learned counsel for the private respondents has therefore, prayed this Hon'ble Court to dismiss the present writ petition.

7. The fact that the Deputy Labour Commissioner-cum-Controlling Authority had directed the respondent No. 15 to pay the amount of Rs. 84,399/- to the petitioner within a period of one month from 07.05.2013 and in case the same is not paid, the above amount could carry an interest at the rate of 10% per annum has not been denied by the respondent No. 15.



In fact, they have stated that the demand draft for an amount of Rs. 84,399/- was prepared as early as in the year 2020 but the petitioner did not come forward to collect the same therefore, the demand draft remained with the respondent No. 15 itself. However, it is to be noted that the Deputy Labour Commissioner-cum-Controlling Authority *vide* order dated 07.05.2013 had directed the respondent No. 15 to pay the outstanding gratuity amount of Rs. 84,399/- together with an interest at the rate of 10% if the same is not paid within a period of one month. It is not understandable as on what basis, the respondent No. 15 has stated that they have prepared a demand draft for a sum of Rs. 84,399/- in the year 2020 when they should have actually calculated the interest at the rate of 10% on the outstanding amount of Rs. 84,399/- and intimated the petitioner regarding the same. It is also not denied by the respondent No. 15 herein that the order passed by the Deputy Labor Commissioner-cum-Controlling Authority has become final as no appeal has been preferred by the Respondent No. 15 till date.

8. Having regard to the same, this Court finds merit in the present writ petition and the prayer sought for by the petitioner. Accordingly, the present writ petition is allowed. The



respondent No. 15 herein is directed to pay the amount of Rs. 84,399/- together with interest at the rate of 10% per annum calculated from the date of the order passed by the Deputy Labor Commissioner-cum-Controlling Authority (i.e., 07.05.2013) till the date of actual payment. The respondent No. 15 shall pay an amounts due to the petitioner as expeditiously as possible preferably within a period of four weeks from the date of receipt of a copy of this order.

9. With the above direction, the present writ petition stands allowed to the extent indicated.

(A. Abhishek Reddy, J)

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