

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11542 of 2023

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Md. Irfan, S/o Late Md. Usman, R/o village Chaknur, Ward no.- 8, PO-
Rahmatpur, PS + District- Samastipur, Bihar-848101.

... .. Petitioner/s

Versus

1. The State of Bihar represented through the Labour Commissioner, Bihar, Patna.
2. The Deputy Labour Commissioner, Darbhanga Division, Darbhanga.
3. The District Magistrate, Samastipur.
4. The District Certificate Officer, Samastipur.
5. The Divisional Commissioner, Darbhanga Division, Darbhanga.
6. M/s Winsome International Limited, 16-A, Brabourne Road, Kolkata (Mill at- M/s Rameshwar Jute Mills, Muktapur, District- Samastipur) represented through its director, namely Shri Prakash Charoria.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 11193 of 2023

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Winsome International Limited a company incorporated under Indian Companies Act, 1956 having its registered office at 5th Floor, 16A Brabourne Road, Kolkata 700001, proprietor of M/s Rameshwara Jute Mills, Muktapur, P.O. Navrang, Samastipur, District Samastipur, Bihar through its Authorized Representative namely Kumar Rajesh, aged about 53 years, on the Late Suresh Chandra Prasad, R/o Resident of C/o Suresh Chandra Prasad, Sripalpur, Punpun, Patna - 804453 (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar, through Principal Secretary, Labour Resources Department, Government of Bihar.
2. The Deputy Labour Commissioner-cum-Controlling Authority of Payment of Gratuity Act 1972, Darbhanga Division, Darbhanga.
3. The District Magistrate, Samastipur, Bihar.
4. The Additional Collector-cum-Senior Certificate Officer, Samastipur, Bihar.
5. Md. Irfan, S/o Late Md. Usman, R/o - Village - Chaknur and P.O.- Rahmatpur, P.S. - Samastipur, District - Samastipur (Bihar).

... .. Respondent/s



Appearance :

(In Civil Writ Jurisdiction Case No. 11542 of 2023)

For the Petitioner/s : Mr.Manoj Kumar, Advocate

For the State : Mr.Anil Kr. Singh (GP-26)

Mr. Gautam Kumar Yadav, AC to GP-26

(In Civil Writ Jurisdiction Case No. 11193 of 2023)

For the Petitioner/s : Mr. Prashant Bhushan, Advocate

For the Respondent/s : Mr.Raghwendra Kumar (SC-22)

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL JUDGMENT

Date : 15-12-2025

Both the writ petitions raise common question of fact and law and, accordingly, both are being heard together.

2. Mr. Prashant Bhushan, learned counsel appearing in CWJC No. 11193 of 2023 for the petitioner/Company submits that today itself he has given 'No Objection' in this case. However, if the cases are being heard for disposal, he may be given opportunity to place the case on behalf of the Company.

3. Considering the fact that the present cases involve payment of gratuity to the workman, accordingly, the same are being disposed after hearing learned counsel for the parties and Mr. Prashant Bhushan, learned counsel appearing for the petitioner/Company in CWJC No. 11193 of 2023.

4. The petitioner in CWJC No. 11542 of 2023 has filed the present writ application for payment of gratuity amount with interest in the light of the order dated 23.03.2022 passed by the Deputy Labour Commissioner, Darbhanga Division,



Darbhanga. Learned counsel for the petitioner submits that petitioner was appointed as Pipe and Pump Man on 01.08.1977 by the erstwhile Mill Management, namely, Rameshwar Jute Mills, Muktapur, Samastipur. The petitioner/Company in CWJC No. 11193 of 2023, namely, Winsome International Limited, Kolkata took over the assets and liabilities of the erstwhile Company M/s Rameshwar Jute Mills, Muktapur, Samastipur with effect from 2012. The petitioner worked without break till 01.01.2015 i.e. for about 38 years and thereafter superannuated from service. After superannuation, the petitioner was not given payment towards gratuity.

5. Accordingly, he filed a case bearing No. 7 of 2021 before the Deputy Labour Commissioner-cum-Controlling Officer, Darbhanga Division, Darbhanga for payment of gratuity. The Controlling Authority after hearing both the parties passed the final order in favour of the petitioner directing the employer i.e. the Company to pay a sum of Rs. 1,50,639/- along with interest from the date of superannuation i.e. 01.01.2015 amounting to Rs. 2,59,216/-. The aforesaid amount was to be paid within a period of 30 days, failing which the order says that a compound interest at the rate of 15 per cent would be charged. When the payment was not made to the petitioner, he



approached the Controlling Authority seeking enforcement of the order and based upon the prayer of the petitioner, the Controlling Authority issued certificate by order dated 06.05.2022 (Annexure-P/3) for a sum of Rs. 4,19,812/- and directed the Company/employer to pay the quantified amount.

6. Learned counsel for the petitioner in CWJC No. 11542 of 2023 submits that the petitioner would be satisfied if a sum of Rs. 2,59,216/-, which has already been deposited before the Controlling Authority pursuant to order passed by this Court in CWJC No. 11193 of 2023 is paid to the petitioner.

7. Mr. Prashant Bhushan, learned counsel for the petitioner/Company in CWJC No. 11193 of 2023/Respondent No. 6 in CWJC No. 11542 of 2023 submits that Controlling Authority has no power to impose compound interest on the amount of gratuity arrived at by the Controlling Authority while determining the liability of gratuity upon the Company under Section 7(3) of the Payment of Gratuity Act, 1972 (hereinafter referred to as 'the Act'). The compound interest by way of penalty can only be imposed by the Collector under Section 8 of the Act. He next submits that while sending the file to the Collector vide letter dated 06.05.2022 (Annexure-P/3), the Controlling Authority has himself exercised the power of



Collector and imposed the penalty after calculating compound interest, the total amount being Rs. 4,19,812/-, in complete violation of the provision of Section 8 of the Act. Proceeding for recovery of the said amount of Rs. 4,19,812/- is pending before the Collector. Learned counsel for the Company submits that the Company has already deposited the sum of Rs. 2,59,216/- awarded by the Controlling Authority. The Company has no objection if the aforesaid amount of Rs. 2,59,216/- is paid to the petitioner by the Controlling Authority.

8. Considering the submissions advanced by the parties and the fact that the petitioner is ready and willing to accept the sum of Rs. 2,59,216/- as gratuity plus interest and the Company has no objection if the said amount, deposited on 04.09.2023 by the Company in the account of the Controlling Authority, is paid to the petitioner, both the writ petitions are being disposed in following terms.

9. The requisition sent by the Controlling Authority before the Certificate Officer, Samastipur (Annexure-P/3) shall remain in abeyance and no further action shall be taken pursuant thereto. The Controlling Authority i.e. Respondent No. 2 is directed to pay a sum of Rs. 2,59,216/- to the petitioner by RTGS or Demand Draft within a period of four weeks from



today.

10. With the aforesaid direction, both the writ applications stand disposed.

(Anil Kumar Sinha, J)

P.K.P./-

AFR/NAFR	
CAV DATE	
Uploading Date	17.12.2025
Transmission Date	

