

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12725 of 2023

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M/s Kumar Distributors Pvt. Ltd. Bailey Road, Near Shaguna More, Patna
801503 (Opp DAV School), through its Director Vikash Kumar Singh, S/o
Umeshwar Prasad Singh, Male, aged about 45 years, Resident of Shilawart,
North, S.K. Puri, Boring Road, Patna ... Petitioner

Versus

1. The State of Bihar through the Secretary, Department of Transport,
Government of Bihar, New Secretariat, Patna.
2. The Secretary, Department of Transport, Government of Bihar, New
Secretariat, Patna.
3. State Transport Commissioner, Department of Transport, Government of
Bihar, New Secretariat, Patna.
4. The Officer on Special Duty, Department of Transport, Government of
Bihar, New Secretariat, Patna.
5. District Transport Officer, Patna, Regional Transport Office, Biscomaun
Towers, Gandhi Maidan, Patna. ... Respondents

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Appearance :

For the Petitioner : Mr.Siddhartha Prasad, Adv.
For the Respondents : Ms Nutan Kumari Sharma, AC to SC XXI

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

6 07-08-2025

Heard the parties.

2. The present writ petition has been filed for the following
relief(s) :

*i. To quash and cancel the Award dated 04.05.2022 passed
by Respondent No. 2/Controlling Authority under the
Payment of Gratuity Act, 1972 and Assistant Labour
Commissioner (Central), Patna, in Case No.-
48/1(27)/2020-ALC-PT by which the said respondent No.2
has directed the petitioner to pay Rs. 7,61,483/- along with
simple interest @ 10% (later on amended as 5%) per
annum from the date it became payable, as gratuity to the
applicant/Respondent no.-1. The said amount has been
computed not only on basic salary of the respondent No. 1*



but also on special allowances, which do not fall within the scope of 'basic wages' as defined under the said Act and also for the period when the said applicant was not employed with the petitioner firm:

ii. To quash and cancel the letter dated 10.10.2023 issued by the Dy. Chief Labour Commissioner (Central), Patna by which the memo of appeal had been returned to the petitioner; iii. To quash and cancel the demand notice issued by the Sub-Divisional Magistrate / Tehsildar (Sadar), Lucknow, in pursuance of the Recovery Certificate issued by respondent No. 2.

iv. To issue other appropriate writ(s), direction(s), order(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

2. The learned counsel appearing on behalf of the petitioner has drawn the attention of this Court to the counter affidavit filed by the Respondents specifically to paragraph 15 wherein it is specifically stated about the letter written to the District Transport Officer, Patna, vide Letter No. 2504 dated 01.05.2025 (Annexure R/E) wherein it has been averred that the superior authorities may take a suitable decision for refunding the amount to the petitioner as expeditiously as possible. The contentions of the letter are reproduced herein :



जिला परिवहन कार्यालय,
परिवहन परिसर फुलवारीशरीफ,
पटना-800014. बिहार सरकार
Email ID-dto-patna-bih@nic.in
दूरभाष 0612220421

District Transport Office,
Parivahan Partsar, Phulwari Sharif
Patna-800014.
Email ID-dto-patna-bih@nic.in
Phone: 06122204212

पत्रांक 2504/परि० पटना, दिनांक-2/5/2025

प्रेषक,

जिला परिवहन पदाधिकारी,
पटना।

सेवा में.

संयुक्त सचिव,
परिवहन विभाग, बिहार, पटना।

विषय :- कुमार डिस्ट्रीब्यूटर्स द्वारा विक्री के पश्चात् निबंधन हेतु
शुल्क एवं कर की जमा राशि को वापस करने के संबंध में।

प्रसंग :- आपका पत्रांक-9552, दिनांक-05.08.2024

महाशय,

उपर्युक्त विषयक एवं प्रसंगाधीन पत्र के आलोक में मैसर्स आस्था
होण्डा द्वारा (Application No :BR20033175330470 एवं BR20033185346313)
दिनांक-02.05.2025 को समय सायं 04:19:10 बजे (Computer generated report की
प्रति) दोनों आवेदनों को Disposed कर दिया गया है। अतः वर्तमान में वाहन के
पक्ष में कोई भी आवेदन लंबित / प्रक्रियाधीन नहीं है। चूंकि प्रश्नगत मामले में
आवेदक 'कुमार डिस्ट्रीब्यूटर्स द्वारा माननीय उच्च न्यायालय में C.W.J.C No-
12725/2025 दायर किया गया है जिसमें माननीय न्यायालय द्वारा दिनांक-
06.05.2025 को सुनवाई की तिथि निर्धारित है।

अतः अनुरोध है कि इस संबंध में कर वापसी की प्रक्रिया में अग्रतर
कार्रवाई अविलंब करने की कृपा की जाए, ताकि माननीय उच्च न्यायालय में ससमय
प्रतिउत्तर दायर किया जा सके।



विश्वासभाजन

अनु०:-यथोक्त ।

2/5/25

जिला परिवहन पदाधिकारी,
पटना।

3. Having regard to the above the present Writ Petition is allowed. The Respondents are directed to return the amount paid by the petitioner as expeditiously as possible preferably within a period of eight weeks from the date of receipt of a copy of this order. The Respondent No. 2, i.e., the Secretary, Department of Transport, Government of Bihar, New Secretariat, Patna, shall take necessary steps for instructing the concerned officer to refund the amount at the earliest.

4. Registry is directed to forward the copy of this order to the Respondent No. 2.

5. With the above directions, the present Writ Petition stands allowed.

(A. Abhishek Reddy , J)

Shamshad/-

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