

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11790 of 2023

Samat Khan, S/o of Late Rahman Khan, R/o Govindpur Khajuri, Ward no.-04, PO- Khajuri, PS- Kalyanpur, District- Samastipur, Bihar-848301.

... .. 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. 10803 of 2023

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 Rajesh, aged about 53 Years, on of 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. Samat Khan S/o Late Rahman Khan, R/o-Village-Govindpur Khajuri and P.O.-Khajuri, P.S.-Kalyanpur, District-Samastipur (Bihar).

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 11790 of 2023)

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

For the Respondent/s : Mr.Sarvesh Kumar (Gp 24)



For the Resp. No. 6	Mr. Rajkumar Rajesh, Adv.
(In Civil Writ Jurisdiction Case No. 10803 of 2023)	
For the Petitioner/s :	Mr. Prashant Bhushan, Adv.
	Mr. Ankit Nath Jha, Adv.
For the Respondent/s :	Mr. Raghwendra Kumar (Sc 22)
	Mr. Vikramadit, AC to SC 22
For the Resp. No. 5	Mr. Manoj Kumar, Adv.

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

6 02-02-2026 Since the issue involved in both the writ petition is one and same, both the matters are heard together and are being disposed of by a common order.

2. Heard the learned counsel appearing on behalf of the petitioner and the learned counsel appearing on behalf of the private Respondent No. 6 in CWJC No. 11790 of 2023, who are Respondent No. 5 and the petitioner in CWJC No. 10803 of 2023 and the learned counsel appearing on behalf of the Respondents-State in both the cases.

CWJC No. 11790 of 2023

3. The present writ petition is filed for the following relief(s):-

“ a. For issuance of an appropriate writ, order, direction to Respondents to make payment of the Gratuity amount with interest in compliance of order dated 23.03.2022 by Deputy Labour Commissioner, Darbhanga Division, Darbhanga.
b. To direct the respondents to pay further interest to this Petitioner over and above the quantification made in Annexure-P/I.



c. To direct the respondents to pay compoundable interest @ 18% from the date of order dated 06.05.2022 passed by the District Certificate Officer, Samastipur till the actual payment is made to the petitioner.

d. To direct the respondents to pay litigation cost to this petitioner.

e. To direct the respondent no- 3 and 4 to secure the payment of the Gratuity amount with interest in compliance of order dated 23.03.2022 by Deputy Labour Commissioner, Darbhanga Division, Darbhanga.

f. For issuance of any other writ/order/direction to which the Petitioner is found to be entitle too in the facts and circumstances of the case.”

CWJC No. 10803 of 2023

4. The present writ petition is filed for the following

relief(s):-

“i.For issuance of appropriate writ(s)/order(s)/direction(s) to quash the certificate dated 06/05/2022, issued under Section 8 of the Payment of Gratuity Act, 1972 by the Deputy Labour Commissioner cum Controlling Authority of Payment of Gratuity Act 1972, Darbhanga Division, Darbhanga (Respondent No. 2) which is annexed as Annexure - 2, And/or

ii. Pass such other order/orders which this court deems fit and proper in the facts and circumstances of this case for securing the ends of justice.”



5. Learned counsel appearing on behalf of the petitioner in CWJC No. 10803 of 2023 submits that pursuant to the orders passed by the Controlling authority, the petitioner-company has deposited a sum of Rs.1,62,705/- vide DD No. 318104, dated 19.10.2023 drawn in Indian Bank before the Controlling Authority and the petitioner is satisfied with the said amount in CWJC No. 10803 of 2023. Learned counsel appearing on behalf of the petitioner-company relies on the Judgment passed by a coordinate Bench of this Hon'ble Court in CWJC No. 11542 of 2023 and CWJC No. 11193 of 2023 dated 15.12.2025 and submits that on the similar facts and circumstances this Court has passed the order whereby the certificate proceedings initiated by the Controlling authority have been kept in abeyance and no further action was directed to be taken by the Certificate Officer. Learned counsel submits that the matter is squarely covered by the above said Judgment and the present writ petitions may be disposed of in terms of the same.

6. Having regard to the fact that the petitioner in CWJC No. 11790 of 2023 who is Respondent No. 5 in CWJC No. 10803 of 2023 has submitted that the petitioner is satisfied with the amount deposited before the Controller Authority and



the said Controlling Authority is directed to be paid the same, he will not seek any other relief against the company before any Authority. The present CWJC is disposed off directing the petitioner in CWJC No. 11790 of 2023 to approach the Controlling Authority for releasing the amount of Rs. 1,62,705/- in his favour.

8. The requisition sent by the Controlling Authority before the Certificate Officer, Samastipur (Annexure P/2 in CWJC No. 10803 of 2023) is quashed and no further action shall be taken by the Controlling Authority or the Certificate Officer for payment of any amount. If any application is made by the petitioner in CWJC No. 11790 of 2023, the Controlling Authority is directed to pay the amount deposited by the respondent Company to the petitioner either by way of RTGS or by way of Demand Draft within a period of four weeks from today.

9. With the above directions, both the writ petitions stand disposed of.

(A. Abhishek Reddy , J)

Bhardwaj/-

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