

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11704 of 2021

UCO Bank A body corporate constituted under the Banking Companies (Acquisition and Transfer of Undertaking Act) 1970 having its Head office at 10 BTM Sarani, Brabourne Road, Kolkata- 700001 and having its concerned Zonal Office at S.K. Tarafdar Road, Adampur, Bhagalpur, represented through Subash Chandra Mahapatra, S/o Kailash Chandra Mahapatra, aged about 58 years, DGM and Zonal Manager, UCO Bank, Zonal Office, Bhagalpur, S.K. Tarafdar Road, Koylaghat, Adampur, Bhagalpur- 812001.

... .. Petitioner/s

Versus

1. Union of India, through its Secretary Ministry of Labour and Employment, Govt. of India, New Delhi.
2. The Deputy Chief Labour Commissioner (Central) Patna-cum- Appellate Authority under payment of Gratuity Act, 1972.
3. The Controlling Authority Under Payment of Gratuity Act and Assistant Labour Commissioner (Central) Pakur, At and P.O.- Pakur, District- Pakur, Pin code- 816107.
4. Jai Ram Nandi Son of Late Narsingh Chandra Nandi Resident of Village- Shivpuri Colony, Isac chak, District- Bhagalpur, Pin- 812001.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Shivendra Kumar Roy, Advocate
For the Respondent/s	:	Mr. Dr. K.N. Singh (Asg)
For the respondent no.4	:	Mr. Harendra Singh, Advocate
		Mr. Jai Prakash Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 03-11-2023

1. The present writ petition has been filed for quashing the order dated 03.03.2021, whereby and whereunder the appeal filed by the petitioner has been rejected by the Deputy Chief Labour Commissioner (Central), Patna i.e. the appellate authority.

2. The short issue, which has been



canvassed for assailing the order dated 03.03.2021 is that the appeal of the petitioner has been dismissed on the ground of delay, being time barred, although the petitioner had filed a petition under Section 5 of the Limitation Act, 1963 along with the memo of appeal, for condonation of delay on the grounds stated therein as also on the ground that due to the prevailing circumstances on account of Covid-19 pandemic, the Hon'ble Apex Court had extended the period of limitation.

3. The learned counsel appearing for the private respondent no.4, Sri Jai Prakash Singh, in view of the aforesaid facts and circumstances of the case, is also of the view that the appeal filed by the petitioner should be heard on merits, hence it is submitted that the matter be remanded back to the appellate authority.

4. Having regard to the facts and circumstances of the case and with the express agreement of the parties, I deem it fit and proper to allow the present writ petition and quash the order dated 03.03.2021, passed by the Deputy Chief Labour



Commissioner (Central), Patna and remand the matter back to the appellate authority, for consideration afresh, on merits.

5. The writ petition stands allowed.

(Mohit Kumar Shah, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	11.11.2023
Transmission Date	NA

