

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P. (C) No. 3088 of 2016

The Chairman-cum-Managing Director, M/S HEAVY ENGINEERING CORPORATION LTD having its office at Dhurwa, P.O. and P.S. Dhurwa District Ranchi through Sri Hemant Kumar Gupta, S/o late Shiv Ratan Lal Gupta, Sr.D.G.M. I/c Law, M/s HEC Ltd. Dhurwa, , P.O. and P.S. Dhurwa, District- Ranchi, R.O.- E29 III, P.O.+PS-Dhurva, Dist. Ranchi

... ... **Petitioner**

Versus

1. Union of India, Ministry of Labour & Employment through its Regional Labour Commissioner (Central), Ranchi having its office at E-191/Sector-II, H.E.C. Colony, P.O. & P.S. Dhurwa, District Ranchi.
2. Sri Baban Singh, father's name not known to the petitioner, Ex-Asstt. Manager, resident of Qr. No. CD-105, Sector 3, P.O. & P.S. - Dhurwa, District Ranchi 834004.

... ... **Respondents**

With

W.P. (C) No. 3089 of 2016

The Chairman-cum-Managing Director, M/S HEAVY ENGINEERING CORPORATION LTD having its office at Dhurwa, P.O. and P.S. Dhurwa District Ranchi through Sri Hemant Kumar Gupta, S/o late Shiv Ratan Lal Gupta, Sr.D.G.M. I/c Law, M/s HEC Ltd. Dhurwa, , P.O. and P.S. Dhurwa, District- Ranchi, R.O.- E29 III, P.O.+PS-Dhurva, Dist. Ranchi

... ... **Petitioner**

Versus

1. Union of India, Ministry of Labour & Employment through its Regional Labour Commissioner (Central), Ranchi having its office at E-191/Sector-II, H.E.C. Colony, P.O. & P.S. Dhurwa, District Ranchi.
2. Sri Rajendra Ram, father's name not known to the petitioner, Ex-Asstt. Manager, resident of Qr. No. CD-227/2, Sector-2, P.O. and P.S. - Dhurwa, District Ranchi 834004.

... ... **Respondents**

With

W.P. (C) No. 3090 of 2016

The Chairman-cum-Managing Director, M/S HEAVY ENGINEERING CORPORATION LTD having its office at Dhurwa, P.O. and P.S. Dhurwa District Ranchi through Sri Hemant Kumar Gupta, S/o late Shiv Ratan Lal Gupta, Sr.D.G.M. I/c Law, M/s HEC Ltd. Dhurwa, , P.O. and P.S. Dhurwa, District- Ranchi, R.O.- E29 III, P.O.+PS-Dhurva, Dist. Ranchi

... ... **Petitioner**

Versus

1. Union of India, Ministry of Labour & Employment through its Regional Labour Commissioner (Central), Ranchi having its office at E-191/Sector-II, H.E.C. Colony, P.O. & P.S. Dhurwa, District Ranchi.
2. Sri Mahendra Prasad, father's name not known to the petitioner, Ex-Asst. Foreman, resident of Qr. No. B-1861, Sector-2, P.O. and P.S. - Dhurwa, District Ranchi 834004

... ... **Respondents**

With
W.P. (C) No. 3093 of 2016

The Chairman-cum-Managing Director, M/S HEAVY ENGINEERING CORPORATION LTD having its office at Dhurwa, P.O. and P.S. Dhurwa District Ranchi through Sri Hemant Kumar Gupta, S/o late Shiv Ratan Lal Gupta, Sr.D.G.M. I/c Law, M/s HEC Ltd. Dhurwa, , P.O. and P.S. Dhurwa, District- Ranchi, R.O.- E29 III, P.O.+PS-Dhurva, Dist. Ranchi

... ... **Petitioner**

Versus

1. Union of India, Ministry of Labour & Employment through its Regional Labour Commissioner (Central), Ranchi having its office at E-191/Sector-II, H.E.C. Colony, P.O. & P.S. Dhurwa, District Ranchi.
2. Sri Bigan Bhagat, father's name not known to the petitioner, Ex-Asst. Manager, resident of Qr. No. B-2365/2, Sector-2, P.O. and P.S. - Dhurwa, District Ranchi 834004

... ... **Respondents**

With
W.P. (C) No. 3094 of 2016

The Chairman-cum-Managing Director, M/S HEAVY ENGINEERING CORPORATION LTD having its office at Dhurwa, P.O. and P.S. Dhurwa District Ranchi through Sri Hemant Kumar Gupta, S/o late Shiv Ratan Lal Gupta, Sr.D.G.M. I/c Law, M/s HEC Ltd. Dhurwa, , P.O. and P.S. Dhurwa, District- Ranchi, R.O.- E29 III, P.O.+PS-Dhurva, Dist. Ranchi

... ... **Petitioner**

Versus

1. Union of India, Ministry of Labour & Employment through its Regional Labour Commissioner (Central), Ranchi having its office at E-191/Sector-II, H.E.C. Colony, P.O. & P.S. Dhurwa, District Ranchi.
2. Sri Bhagirath Thakur, father's name not known to the petitioner, resident of Qr. No. E-194, Sector-2, P.O. and P.S. - Dhurwa, District Ranchi 834004

... ... **Respondents**

With
W.P. (C) No. 3096 of 2016

The Chairman-cum-Managing Director, M/S HEAVY ENGINEERING CORPORATION LTD having its office at

Dhurwa, P.O. and P.S. Dhurwa District Ranchi through Sri Hemant Kumar Gupta, S/o late Shiv Ratan Lal Gupta, Sr.D.G.M. I/c Law, M/s HEC Ltd. Dhurwa, , P.O. and P.S. Dhurwa, District- Ranchi, R.O.- E29 III, P.O.+PS-Dhurva, Dist. Ranchi

... ... **Petitioner**

Versus

1. Union of India, Ministry of Labour & Employment through its Regional Labour Commissioner (Central), Ranchi having its office at E-191/Sector-II, H.E.C. Colony, P.O. & P.S. Dhurwa, District Ranchi.

2. Sri Vindheshwary Prasad, father's name not known to the petitioner, Ex.-Sr. Deputy General Manager (Law), resident of Qr. No. E-203, Sector-2, P.O. and P.S. Dhurwa, District-Ranchi, 834004

... ... **Respondents**

CORAM :HON'BLE MRS. JUSTICE ANUBHA RAWAT CHOUDHARY

For the Petitioners : Mr. Raunak Sahay, Advocate

: Mrs. Richa Sanchita, Advocate

For the UoI : Mr. Ravi Prakash, Advocate

For the Resp. No. 2 : Mr. Abhay Kumar Mishra, Advocate

: Mr. Anshuman Mishra, Advocate

06/11.07.2024 Learned counsel for the parties are present. Mr. Raunak Sahay, Advocate seeks permission to file vakalatnama on behalf of the petitioner in all the cases during the course of the day. Permission is accorded. Ms. Richa Sanchita, Advocate on record for the petitioners in all the cases is also present.

2. Similar points are involved in all these cases and therefore they are heard together.

3. W.P. (C) No. 3088 of 2016 has been filed for the following reliefs:-

“ That the petitioner by virtue of this present writ application intends to move this Hon'ble High Court of Jharkhand for the issuance particularly of writ(s)/order(s)/direction(s), nature of certiorari for quashing of order dated 18.01.2016 passed in Application No. 36 (20)/2015-RLC(R) by the Controlling Authority Regional Labour Commissioner (Central), Ranchi Sri G.S. Doraiburu, under the Payment of Gratuity Act, 1972, by which direction was given to the petitioner to pay a sum of Rs.8,33,365/- along with simple interest calculating @ 10% per annum from the

date it became payable i.e. w.e.f. 01.07.2014 till the actual date of payment to the respondent no. 2 within thirty days from the date of receipt of order.

AND/OR

For issuance of any other appropriate writ(s)/ order(s)/ direction(s) upon the authority concerned in the facts and circumstances of the case for concessionable justice to the petitioner. Doing concessionable justice to the petitioner.

AND

Petitioner further prays before this Hon'ble Court to stay the operation of the order dated 18.01.2016 passed in Application No. 36 (20)/2015-RLC(R) by the Controlling Authority Regional Labour Commissioner (Central), Ranchi Sri G.S. Doraiburu, under the Payment of Gratuity Act, 1972, by which direction was given to the petitioner to pay a sum of Rs.8,33,365/- along with simple interest calculating @ 10% per annum from the date it became payable i.e. w.e.f. 01.07.2014 till the actual date of payment to the respondent no. 2 within thirty days from the date of receipt of order, during pendency of the instant writ application.”

4. W.P. (C) No. 3089 of 2016 has been filed for the following reliefs:-

“That the petitioner by virtue of this present writ application intends to move this Hon'ble High Court of Jharkhand for the issuance particularly of writ(s)/order(s)/direction(s), nature of certiorari or quashing of order dated 12.01.2016 passed in Application No. 36 (30)/2015-RLC(R) by the Controlling Authority Regional Labour Commissioner (Central), Ranchi Sri G.S. Doraiburu, under the Payment of Gratuity Act, 1972, by which direction was given to the petitioner to pay a sum of Rs.5,06,563/- along with simple interest calculating @ 10% per annum from the date it became payable i.e. w.e.f. 01.02.2015 till the actual date of payment to the respondent no. 2 within thirty days from the date of receipt of order.

AND/OR

For issuance of any other appropriate writ(s)/ order(s)/ direction(s) upon the authority concerned in the facts and circumstances of the case for concessionable justice to the petitioner. Doing concessionable justice to the petitioner.

AND

Petitioner further prays before this Hon'ble Court to stay the operation of the order dated 12.01.2016 passed in Application No. 36 (20)/2015-RLC(R) by the Controlling Authority Regional Labour Commissioner (Central), Ranchi Sri G.S. Doraiburu, under the Payment of Gratuity Act, 1972, by which direction was given to the petitioner to pay a sum of Rs.5,06,563/- along with simple interest calculating @ 10% per annum from the date it became payable i.e. w.e.f. 01.02.2015 till the actual date of payment to the respondent no. 2 within thirty days from the date of receipt of order, during pendency of the instant writ application."

5. W.P. (C) No. 3090 of 2016 has been filed for the following reliefs:-

"That the petitioner by virtue of this present writ application intends to move this Hon'ble High Court of Jharkhand for the issuance particularly of writ(s)/order(s)/direction(s), nature of certiorari or of quashing of order dated 12.01.2016 passed in Application No. 36 (18)/2015-RLC(R) by the Controlling Authority Regional Labour Commissioner (Central), Ranchi Sri G.S. Doraiburu, under the Payment of Gratuity Act, 1972, by which direction was given to the petitioner to pay a sum of Rs.9,68,554/- along with simple interest calculating @ 10% per annum from the date it became payable i.e. w.e.f. 01.12.2014 till the actual date of payment to the respondent no. 2 within thirty days from the date of receipt of order.

AND/OR

For issuance of any other appropriate writ(s)/ order(s)/ direction(s) upon the authority concerned in the facts and circumstances of the case for consonable justice to the petitioner. Doing consonable justice to the petitioner.

AND

Petitioner further prays before this Hon'ble Court to stay the operation of the order dated 12.01.2016 passed in Application No. 36 (18)/2015-RLC(R) by the Controlling Authority Regional Labour Commissioner (Central), Ranchi Sri G.S. Doraiburu, under the Payment of Gratuity Act, 1972, by which direction was given to the petitioner to pay a sum of Rs.9,68,554/- along with simple interest calculating @ 10% per annum from the date it

became payable i.e. w.e.f. 01.12.2014 till the actual date of payment to the respondent no. 2 within thirty days from the date of receipt of order, during pendency of the instant writ application.”

6. W.P. (C) No. 3093 of 2016 has been filed for the following reliefs:-

“That the petitioner by virtue of this present writ application intends to move this Hon’ble High Court of Jharkhand for the issuance particularly of writ(s)/order(s)/direction(s), nature of certiorari for quashing of order dated 18.01.2016 passed in Application No. 36 (17)/2015-RLC(R) by the Controlling Authority Regional Labour Commissioner (Central), Ranchi Sri G.S. Doraiburu, under the Payment of Gratuity Act, 1972, by which direction was given to the petitioner to pay a sum of Rs.7,86,070/- along with simple interest calculating @ 10% per annum from the date it became payable i.e. w.e.f. 01.12.2014 till the actual date of payment to the respondent no. 2 within thirty days from the date of receipt of order.

AND/OR

For issuance of any other appropriate writ(s)/ order(s)/ direction(s) upon the authority concerned in the facts and circumstances of the case for consonable justice to the petitioner. Doing consonable justice to the petitioner.

AND

Petitioner further prays before this Hon’ble Court to stay the operation of the order dated 18.01.2016 passed in Application No. 36 (17)/2015-RLC(R) by the Controlling Authority Regional Labour Commissioner (Central), Ranchi Sri G.S. Doraiburu, under the Payment of Gratuity Act, 1972, by which direction was given to the petitioner to pay a sum of Rs.7,86,070/- along with simple interest calculating @ 10% per annum from the date it became payable i.e. w.e.f. 01.12.2014 till the actual date of payment to the respondent no. 2 within thirty days from the date of receipt of order, during pendency of the instant writ application.”

7. W.P. (C) No. 3094 of 2016 has been filed for the following reliefs:-

“That the petitioner by virtue of this present writ application intends to move this Hon’ble High Court of Jharkhand for the

issuance particularly of writ(s)/order(s)/direction(s), nature of certiorari for of quashing of order dated 28.12.2015 passed in Application No. 36 (15)/2015-RLC(R) by the Controlling Authority Regional Labour Commissioner (Central), Ranchi Sri G.S. Doraiburu, under the Payment of Gratuity Act, 1972, by which direction was given to the petitioner to pay a sum of Rs.7,99,899/- to the respondent no. 2 within thirty days from the date of receipt of order.

AND/OR

For issuance of any other appropriate writ(s)/ order(s)/ direction(s) upon the authority concerned in the facts and circumstances of the case for concessionable justice to the petitioner. Doing concessionable justice to the petitioner.

AND

Petitioner further prays before this Hon'ble Court to stay the operation of the order dated 28.12.2015 passed in Application No. 36 (15)/2015-RLC(R) by the Controlling Authority Regional Labour Commissioner (Central), Ranchi Sri G.S. Doraiburu, under the Payment of Gratuity Act, 1972, by which direction was given to the petitioner to pay a sum of Rs.7,99,899/- to the respondent no. 2 within thirty days from the date of receipt of order, during pendency of the instant writ application.”

8. W.P. (C) No. 3096 of 2016 has been filed for the following reliefs:-

“That the petitioner by virtue of this present writ application intends to move this Hon'ble High Court of Jharkhand for the issuance particularly of writ(s)/order(s)/direction(s), nature of certiorari for of quashing of order dated 10.02.2016 passed in Application No. 36 (04)/2015-RLC(R) by the Controlling Authority Regional Labour Commissioner (Central), Ranchi Sri G.S. Doraiburu, under the Payment of Gratuity Act, 1972, by which direction was given to the petitioner to pay a sum of Rs.93,055/- towards payment of interest on gratuity to the respondent no. 2 within thirty days from the date of receipt of order.

AND/OR

For issuance of any other appropriate writ(s)/ order(s)/ direction(s) upon the authority concerned in the facts and circumstances of the case for concessionable justice to the petitioner. Doing concessionable justice to the petitioner.

AND

Petitioner further prays before this Hon'ble Court to stay the operation of the order dated 10.02.2016 passed in Application No. 36 (04)/2015-RLC(R) by the Controlling Authority Regional Labour Commissioner (Central), Ranchi Sri G.S. Doraiburu, under the Payment of Gratuity Act, 1972, by which direction was given to the petitioner to pay a sum of Rs.93,055/- towards payment of interest on gratuity to the respondent no. 2 within thirty days from the date of receipt of order, during pendency of the instant writ application."

9. Learned counsel appearing on behalf of the respondents has submitted that a counter affidavit has been filed in all the cases bringing on record the decision dated 25th April, 2016 whereby the appeal filed against the impugned orders has been dismissed. The learned counsel has submitted that the appellate order has been placed on record through the counter affidavit. He submits that the appellate order is not under challenge in these writ petitions. He submits that the cases were filed before this Court on 17.06.2016. The counter affidavit has been filed in the present case on 06.04.2018 but no rejoinder has been filed. However, perusal of the record indicate that the appeal filed against the impugned orders has been dismissed.

10. After considering the materials on record this court finds that the appellate order was passed way back on 25th April 2016 dismissing the appeal against the impugned orders in the present cases. The present writ petitions were filed on 17.06.2016 but the appellate order is not under challenge. In such circumstances, no relief as prayed for in these writ petitions can be granted. Consequently, the present writ petitions are hereby dismissed.

11. Interim order is vacated.

12. Pending I.A., if any, is closed.

(Anubha Rawat Choudhary, J.)

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