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29.01.2021
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WPA 1305 of 2021

Hooghly Mills Company Limited & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Shyamal Chandra Sarkar
Mr. Kumar Gupta
Mr. Bhaskar Mukherjee.
... for the petitioner.

Mr. Abhrajit Mitra
Mr. Soumya Majumdar
Ms. Amrita Pandey
Ms. Anamika Pandey.
... for the respondent no. 6.

Mr. Bikash Shaw.
... for the respondent no. 7.

Mr. Narayan Chandra Bhattacharya
Ms. Sujata Ghosh.
... for the State.

By filing this writ application, the petitioner has challenged an order passed by the Appellate Authority under the Payment of Gratuity Act, 1972 and the Deputy Labour Commissioner, Chandannagore, Hooghly dated 16th October, 2020. The main grievance of the writ petitioner is that this Appellate Authority does not have any jurisdiction to pass such an order. I find that an amount of Rs.1,14,561/- is due, which is required to be paid to the employee, the respondent

no. 7 here, who retired from his service as an employee, a labourer, in 2005. For last 16 years or so, he has not got his lawful claim which is a matter of great regret.

This Court is not inclined to see the fantastic legal battle between the two giants being the petitioner and the respondent no. 6 keeping the labourer/employee a pawn in the fight.

I direct the petitioner to pay the entire amount with interest to the respondent no. 7 within a period of two weeks from date. The petitioner shall have the liberty to take all points against the respondent no. 6 and shall have all vistas open to fight with the respondent no. 6 for realising this amount of money to be paid to the employee from the said respondent. For their fight the poor employee cannot wait for receiving his statutory dues.

With the above observation, this writ application is disposed of without any order as to costs.

Since no affidavit-in-opposition is called for, all allegations against the respondents are deemed not to have been admitted.

(Abhijit Gangopadhyay, J.)