

Sl.no.30
9.11.2021.
Court. No. 19
sn

WPA 13587 of 2021

Debabrata Dey
Vs.
The State of West Bengal & Ors.
(Through Video Conference)

Mr. Tanmoy Chakraborty
Ms. Sumitra Das ... for the Petitioner.

Mr. Biswjit De
Ms. Rajlakshmi Ghatak ..for the State

Despite service, none appears on behalf of the co-operative society. Let affidavit of service is taken on record.

The petitioner is aggrieved by the award/order passed by the Assistant Registrar of Co-operative Societies, Murshidabad Range. According to the petitioner, the award does not disclose any reason and has been passed in complete violation of the order of this Court.

This Court had directed the Assistant Registrar of Co-operative Societies, Murshidabad Range, to pass a reasoned order deciding the amount payable on amount of salary and retirement benefits to the petitioner who was an employee of Lalgola Thana Co-operative Marketing Society.

The petitioner has accepted the amount awarded by the Assistant Registrar of Co-operative Societies without prejudice to his right to challenge the said award.

The learned advocate for the petitioner submits that the award is without any reason and the break-up of the amount under different heads of retirement benefits and arrear salary has not been provided in the order. According to him, as the award is unreasoned, the jurisdiction of this Court can be invoked for violation of principles of natural justice.

The petitioner has already accepted the awarded amount but without prejudice to his rights to challenge the same. The award can be challenged by way of an appeal, and as such, this Court is not in a position to entertain this writ petition on the ground of existence of an alternative efficacious remedy under the law.

This writ petition is disposed of granting liberty to the petitioner to approach the appellate authority in accordance with law. If such appeal is filed, the same shall be disposed of within two months from the filing of the same in view of the urgency involved, as the matter relates to alleged non-payment of retirement benefits of an employee of a co-operative society.

All points including the scope of award which does not contain any reasons are kept open to be decided by the appellate authority.

The writ petition is disposed of.

There will be, however, no order as to costs.

Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)