

220
21.12.2021
Ct. No.10
b.das

W.P.A. 18830 of 2021

(Via Video Conference)

Mir Sirajul Islam
Vs.
State of W.B. & Ors.

Ms. Priyanka Das
Ms. P. Chakraborty
...for the petitioner.

Ms. Aiswarjya Gupta ...for the State.

Mr. S. Sengupta
Mr. B. Ghosh ...for the respondent No.3.

Ms. Amrita Pandey
...for the respondent Nos.4 & 5.

Heard learned counsels for the parties.

Liberty is granted to the petitioner to correct the cause title of the writ petition by replacing the address of the 2nd respondent (Controlling Authority) by 6th Church Lane, 3rd Floor, Kolkata –1.

The petitioner's grievance is non-payment of gratuity after his superannuation. The petitioner was an employee under the 4th and 5th respondents and superannuated on 22nd March, 2009. No gratuity was paid to him by the employer in terms of Section 7(2) and 7(3) of the Payment of Gratuity Act, 1972. The petitioner submitted an

application in Form-I before the employer and in Form- N before the Controlling Authority ventilating his grievance, on 27th January, 2020.

As no step was taken by the authorities for a considerable period of time, the petitioner submitted a representation before the Authority on 11th October, 2021 in this regard.

It is submitted on behalf of the petitioner, on instructions, that the Controlling Authority has commenced hearing with regard to the representation filed by the petitioner. The petitioner prays for a direction upon the Controlling Authority to consider his representation within a stipulated period of time.

It is submitted on behalf of the employer (respondent Nos. 4 & 5) that the application in Form-I was submitted by the petitioner much beyond the statutory period of time and no explanation to such delay was submitted by him in terms of Section 7(5) of the West Bengal Payment of Gratuity Rules, 1973.

Learned counsel has further submitted that the application in Form- I and Form- N were submitted by the petitioner admittedly on the same date and even before the employer had an opportunity to dispose of the same, the matter was taken up by the Controlling Authority.

Learned counsel for the State respondents as well as the Controlling Authority have submitted that the

representation filed by the petitioner be directed to be disposed of by the Controlling Authority at the earliest.

In view of the submissions made on behalf of the parties, the writ petition being WPA 18830 of 2021 is disposed of directing the Controlling Authority who is the 2nd respondent herein to consider and dispose of the representation submitted by the petitioner dated 11th October, 2021 within a period of three months from the date of communication of this order, in accordance with law.

However, there shall be no order as to costs.

Since no affidavit is invited, the allegations contained in the petition are deemed not to be admitted.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)