

December 13, 2021
ARDR
(129)

W.P.A. 19352 of 2021

Dwarika Yadav
Vs.
The State of West Bengal & Ors.

Ms. Senjuti Sengupta,
Mr. R. Guha Thakurata,

...for the petitioner.

Mr. Chandi Charan De,
Ms. Reshmi Rahaman,

...for the State.

None appears for the private respondent despite service of notice.

Heard learned counsels for the parties.

It is submitted on behalf of the petitioner that after completion of 33 years of continuous service with the private respondent, the petitioner superannuated on 23rd July, 2013, but was not paid his due gratuity for which he was constrained to file an application before the Controlling Authority which was registered as Case No. 1-G/182-14. The case was disposed of on contest by the Controlling Authority by an order dated October 27, 2016 directing the private respondent to pay a sum of Rs.54,588/- towards gratuity together with interest thereon. The petitioner preferred a statutory appeal before the appellate authority, the 2nd respondent herein, in the year 2017, but the said appeal is still pending. The private respondent filed a written objection to the said appeal wherein he admitted that the gratuity assessed by the Controlling Authority to

be correct. By an application dated May 21, 2018 in the appeal, the writ petitioner prayed for a direction upon the private respondent to release the said admitted amount. The said application is still pending. The petitioner prays for a direction upon the 2nd respondent to dispose of the application as well as the appeal within a stipulated frame of time. It is submitted on behalf of the petitioner that the hearing of the application has been concluded and the application is reserved for order.

Upon consideration of the submissions made on behalf of the parties, the writ petition is disposed of directing the 2nd respondent to consider and dispose of the application filed by the petitioner dated May 21, 2018 after giving reasonable opportunity of hearing to both the parties within a period of fortnight from the date of communication of this order.

The 2nd respondent should also dispose of the appeal itself as expeditiously as possible, preferably within a period of two months from the date of disposal of the application dated May 21, 2018, in accordance with law.

With such observation WPA 19352 of 2021 is disposed of. 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.)