

01-03-2021

ct no. 13

Sl.76

pk

**WPA 11677 of 2020
(Through Video Conference)**

**General Security & Information Services & Another
Versus
Union of India and others**

**Mr. Biswadeb Ray Chaudhuri,
Mr. Saurav Chaudhuri**

...for the petitioners

**Mr. Rajib Mukherjee,
M. Supriya Dey,
Mr. Subhrajit Saha**

... for the BSNL.

The petitioners are aggrieved by an order dated 29th July, 2019 passed by the Controlling Authority under the Payment of Gratuity Act, 1972 directing it to pay the gratuity to certain employees engaged by them. Admittedly, the petitioners are labour contractors. The petitioners have an agreement with the BSNL to supply labour.

The instant writ petition has been filed seeking a direction upon the BSNL to pay the gratuity.

The BSNL was not party respondent to the proceedings under the Payment of Gratuity Act. The stand taken by the petitioners herein cannot be entertained since it is not known if such contention was raised before the Controlling Authority.

The writ petitioner submits that it could not approach the Appellate Authority under the aforesaid Act in view of the Pandemic. It is submitted that the Appellate Authority is now functional.

The petitioners may seek appropriate remedy of Appeal under the Payment of Gratuity Act if the same is available.

The instant writ petition is not entertained for availability of efficacious alternative remedy. and is hereby dismissed.

No order as to costs.

Photostat certified copy of this order, if applied for, be given to the parties upon compliance of all formalities.

(Rajasekhar Mantha, J.)