

207
jdt.

02.03.2022
jb.

W.P.A. 33 of 2022

Md. Atauallah
VS.
State of West Bengal & Ors.

Mr. Uddipan Banerjee
... For the Petitioner

Affidavit-of-service filed by the petitioner is taken on record.

None appears for the State respondents despite service.

Mr. Subir Pal who usually appears for the State and is present in Court is requested to represent the State respondents in this matter. His appointment be regularised by learned Legal Remembrancer.

The petitioner should serve copy of the writ petition along with annexure thereto to Mr. Pal in course of the day.

The petitioner complains non-payment of gratuity by the employer.

The petitioner was an employee under the third respondent since 19th July, 1975 and

superannuated on 1st January, 2012. No gratuity was paid to the petitioner despite several approaches made before the Authority for which the petitioner filed an application in Form I to the third respondent seeking payment of gratuity. The said application not being heeded to by the employer, the petitioner subsequently filed an application in Form N before the 2nd respondent on 9th July, 2019 which was registered as Gratuity Case No. G-72/19/DLC/HOW. The case is yet to be disposed of. The petitioner prays for direction upon the Authority to consider the gratuity case at the earliest.

Having considered the submissions made on behalf of the parties, the writ petition is disposed of directing the 2nd respondent to consider and dispose of the gratuity case being No. Gratuity Case No. G-72/19/DLC/HOW dated 9th July 2019 within a period of three months from the date of communication of this order after giving reasonable opportunity of hearing to all the interested parties including the petitioner, in accordance with law. The decision taken by the Authority shall be communicated to the petitioner within a week thereof.

W.P.A. 33 of 2022 is thus disposed of.

There shall be no order as to costs.

Since no affidavit has been invited, allegations contained in the writ petition shall be deemed not to have been admitted.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)