

15.03.2022
rc/ct.no.10
Item No.206

WPA No. 318 of 2022
Jamila Bibi
Versus
The State of West Bengal & Ors.

Mr. Uddipan Banerjee ...for the petitioner

Mrs. Amrita Sinha
Mr. Anamika Sinha ..for the respondent no. 3

The grievance of the petitioner is non-payment of gratuity. The petitioner is the widow of the employee who was employed with the respondent no. 3 since April 12, 1969 and superannuated on July 01, 2002. The employee expired on September 28, 2002. The petitioner being the legal heir of the employee approached the respondent no. 3 for payment of gratuity amount due to her deceased husband and submitted an application in Form 'J' before the authority on August 10, 2020 but to no effect. The petitioner subsequently filed an application before the respondent no. 2 on similar prayers which was registered as Gratuity Case no. G-36/21/DLC/HOW. The petitioner submits that the case is still pending before the authority. The petitioner prays for direction upon the authority to consider the case at the earliest.

It is submitted by the learned counsel appearing on behalf of the respondent no. 3 that there is no document in the records of the company declaring the petitioner as the legal heir of the deceased employee. Also, the matter

should be dealt with by the respondent no. 2 at the registered office of the company at 4, Council House Street, Kolkata 700 001 and not at Howrah which is the factory of the company.

In reply, learned counsel appearing for the petitioner submits that as the employee was working at the Howrah factory of the company, the matter should be dealt with at the office of the company at Howrah.

Having considered the submissions made by the learned counsels appearing on behalf of the parties, this Court is of the view that there should a direction upon the respondent no. 2 to consider the gratuity case pending before it within a stipulated period of time. In dealing with the case, submission made by the learned counsel appearing on behalf of the respondent no. 3 before this Court in the writ petition be taken into consideration by the respondent no.2.

Accordingly, the writ petition is disposed of directing the respondent no. 2 to consider and dispose of the Gratuity Case no. G-36/21/DLC/HOW pending before it 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 period of one week thereafter.

With the above observations and directions this writ petition being WPA No. 318 of 2022 is disposed of.

There shall be, however, 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 furnished to the parties upon compliance of necessary formalities.

(Suvra Ghosh,J)