

15.03.2022
rc/ct.no.10
Item No.209

WPA No. 483 of 2022
Dinanath Choubey
Versus
The State of West Bengal & Ors.

Mr. Uddipan Banerjee ...for the petitioner

Mr. Ayan Banerjee
Mr. Soumo Chowdhury ..for the State

Affidavit of service filed by the petitioner be taken on record.

None appears on behalf of the private respondent despite service.

The grievance of the petitioner is non-payment of gratuity.

The petitioner was employed with the respondent no. 3 since November 11, 1969 and superannuated on November 01, 2004. Several requests for payment of gratuity made to the respondent no. 3 fell on deaf ears and the petitioner ultimately submitted an application in Form I to the respondent no. 3 requesting such payment. No steps being taken by the authority, the petitioner was constrained to approach the respondent no. 2 by filing an application in Form N on September 20, 2021. The said application was neither registered, nor considered by the respondent. The petitioner prays for direction upon the respondent no. 2 to consider the application at the earliest.

Upon consideration of the submission made by the learned counsels appearing on behalf of the parties, the writ petition is disposed of directing the respondent no. 2 to consider and dispose of the application filed by the petitioner before him dated September 20, 2021 within a period of 3 months from the date of communication of this order after affording reasonable opportunity of hearing to all the parties including the petitioner and the private respondent, 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. 483 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)