

WPA 1033 of 2022

Minati Baidya
Vs.
The State of West Bengal & Ors.

Mr. Uddipan Banerjee,
...for the petitioner.
Ms. Amrita Pandey,
Ms. Anamika Pandey,
...for the respondent no.3.
Mr. Ayan Banerjee,
Mr. Soumi Chaudhury,
...for the State.

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

The hapless widow of the employee complains non payment of gratuity by the employer.

The husband of the petitioner joined the company of the 3rd respondent on 3rd July, 1979 and died in harness on 26th July, 2013. The petitioner approached the 3rd respondent for payment of gratuity due to the employee several times but to no effect. The petitioner finally submitted an application in form 'J' before the company 30th March, 2021 which was not considered. The petitioner filed an application before the 2nd respondent in form 'N' on 20th September, 2021 ventilating her grievance with regard to non payment of gratuity, which is pending before the authority. The petitioner prays for a direction upon the 2nd respondent to consider such application at the earliest.

It is submitted on behalf of the 3rd respondent that the employee expired on 26th July, 2013 and the application in form 'J' was submitted only on 30th March, 2021, i.e., after inordinate delay. Also, the issue is required to be dealt with by the 2nd respondent at the office of the 3rd respondent at 4, Council House Street, Kolkata – 700001 and not at the Howrah office of the company as the factory of the company is situated at Howrah and the principal seat/registered office of the company is at Council House Street.

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 submitted by the petitioner before it on 20th September, 2021 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.

In dealing with the application, the 2nd respondent shall take into consideration the submissions made on behalf of the 3rd respondent before this Court in the writ petition. The decision taken by the authority shall be communicated to the petitioner within a week thereof.

With such directions, WPA 1033 of 2022 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.)