

WPA 1035 of 2022

Mahasin Khan
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. Soumitra Bandyopadhyay,
Mr. Ram Chandra Guchait,
...for the State.

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

The grievance of the petitioner is non payment of gratuity. The petitioner joined the company of the 3rd respondent on 13th March, 1977 and superannuated therefrom on 1st January, 2016. The petitioner approached the company on several occasions for payment of gratuity due to him and ultimately submitted an application in form 'T' before the 3rd respondent on 10th October, 2018 claiming gratuity. The petition not being heeded to by the 3rd respondent, the petitioner filed an application in form 'N' before the 2nd respondent on 30th November, 2018 which was registered as Gratuity Case no. G-18/19/DLC/How. The gratuity case is still pending before the authority. The petitioner prays for a direction upon the 2nd respondent to consider the case at the earliest.

It is submitted on behalf of the 3rd respondent that 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 Gratuity Case no. G-18/19/DLC/How dated 30th November, 2018 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 1035 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.)