

11.01.2022
Sl. No.11
(PP)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE
(Via Video Conference)

WPA 17872 of 2021

Anjali Banerjee
Vs.
The State of West Bengal & Ors.

Mr. Dhillon Sengupta,
Mr. Tirthankar Mukherjee,
Ms. Madhurima Sarkar
....for the petitioner.

Ms. Chaitali Bhattacharyya,
Mr. S. T. Mina
....for the State.

The petitioner is the widow of a former employee of Britannia Engineering Company Limited (hereinafter referred to as the said company). The said company was taken over by the Central Government in terms of the provisions of Section 5 of the Britannia Engineering Company Limited (Titagarh Unit) Acquisition and Transfer of Undertakings Act, 1984.

On behalf of the State, it is submitted that the appointed date has been clearly specified in the said Act and it is 30th July, 1985. All claims, according to the State, prior to the appointed date is on account of the said company. Neither the Central Government nor the State Government has any obligation with regard to any claim arising prior to 30th July, 1985.

The petitioner's claim is admittedly prior to the appointed date, i.e., 30th July, 1985 and as such, the Government has no liability in respect thereof.

Be that as it may, the petitioner has made two representations through her advocate. The first representation is dated 9th September, 2021 (appearing at pages 44 to 48 of the writ petition) and the second one is dated 5th October, 2021 (appearing at pages 53 to 57 of the writ petition). These representations have been made to the Commissioner of Payments of Public Enterprise, Department of Government of West Bengal, in view of the stand taken by the said company with regard to the entitlements of the petitioner's late husband.

After hearing the parties and considering the materials on record, I find that justice will be subserved if the two representations are directed to be disposed of within a time frame by the Commissioner of Payments, Department of Public Enterprise, Government of West Bengal.

Let the two representations be disposed of within a period of four months from the date of communication of a server copy of this order to the Commissioner of Payments, Department of Public Enterprise, Government of West Bengal, by a reasoned order after affording the petitioner an opportunity of hearing observing the prevalent Covid -

19 protocol. The reasoned order that may be passed shall be communicated to the petitioner within ten days.

I have not gone into the merits of the case and the Commissioner of Payments shall be free to decide the issues in the said two representations without being in any influenced by any observation made in this order.

Nothing further remains to be adjudicated in this writ petition. The same is disposed of without any order as to costs.

Since I have not called for any affidavits, allegations made in the writ petition are deemed to have not been admitted by the respondents.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of necessary formalities.

(Arindam Mukherjee, J.)