

23.09.2022
DL-15
(PP)
Ct.21

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 19338 of 2022

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

Mr. Dhillon Sengupta,
Mr. Tirthinkar Mukherjee,
Ms. Madhurima Sarkar
....for the petitioner.
Mr. Biswabrata Basu Mallick,
Mr. Sanjib Das
....for the State.
Mr. Dwaipayan Banerjee,
Mr. Abir Das
....for the respondent no.4.

The writ petitioner prays for consideration of her representation dated July 13, 2022 by the respondent no.2/Joint Secretary (Personnel), Public Works Department, Government of West Bengal. It is the case of the petitioner that her husband one Benoy Banerjee since deceased used to work for Mc Leod & Company Private Limited and later on transferred to Britannia Engineering Company Limited. She claims that her husband was a permanent employee under Mc Leod & Company Private Limited and, therefore, was entitled to post retiral benefits including gratuity, provident fund, leave encashment benefits etc.

Mr. Sengupta, learned counsel, appearing for the writ petitioner submits that Britannia Engineering Company Limited was taken over by the State

Government in terms of Section 5 of the Britannia Engineering Company Limited (Titagarh Unit) Acquisition and Transfer of Undertakings Act, 1984.

By an order dated January 11, 2022 passed by a coordinate Bench in WPA 17872 of 2021, the representations of the petitioner was directed to be considered by the Commissioner of Payments, Department of Public Enterprise, Government of West Bengal. Pursuant to the order dated January 11, 2022, a hearing was given by the said authority. By the order dated March 11, 2022 issued by the Special Secretary & Commissioner (Payments), it was observed that the control of Britannia Engineering Company Limited has been transferred to the Public Works Department and the liability of payment of retiral benefits, if any, does not lie with the Commissioner (Payments), Public Enterprise and Industrial Reconstruction Department. With the aforesaid observations, the representations of the petitioner were disposed of. Subsequent to the order dated March 11, 2022, a representation was made by the petitioner on April 6, 2022 to the Public Works Department, Government of West Bengal. The claim in the writ petition arises out of the fact that the said representation has not been considered by the concerned authority.

Today, the State of West Bengal is represented as well as the respondent no.4/Britannia Engineering Company Limited.

This Court feels that justice will be sub-served if the representations dated April 6, 2022 and July 13, 2022 made by the writ petitioner is considered by the Joint Secretary (Personnel), Public Works Department, Government of West Bengal/respondent no.2.

Let the representations be considered within 8 weeks from date upon giving a hearing to the writ petitioner and/or her delegated representative.

The representations are directed to be disposed of by a reasoned order. The reasoned order shall be communicated to the petitioner within 2 weeks of passing of the same.

With the directions aforesaid, the writ petition, being **WPA 19338 of 2022**, is **disposed of**.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Hon'ble Court.

Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance of all necessary formalities.

(Lapita Banerji, J.)