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19.01.2022
Ct. No.10
b.das

W.P.A. 20490 of 2021

(Via Video Conference)

Babaji Shaw
Vs.
State of W.B. & Ors.

Mr. Uddipan Banerjee ...for the petitioner.

Mr. Susanta Pal ...for the respondent No.2

Mr. Bipin Ghosh ...for the State.

Ms. Amrita Pandey
Ms. A. Pandeyfor the respondent No.3.

Heard learned counsels for the parties.

The petitioner complains of non-payment of gratuity.
The petitioner was employed with the 3rd respondent and superannuated on 1st January, 2016. He approached the 3rd respondent for payment of gratuity but to no effect.

The petitioner filed an application before the Controlling Authority on 24th September, 2018 in this regard, which is yet to be disposed of. The petitioner prays for a direction upon the authority to dispose of the said application at the earliest.

It is submitted on behalf of the 2nd respondent that four months time be given to the authority to dispose of the application filed by the petitioner.

Learned counsel for the 3rd respondent submits that as the office of the 3rd respondent is at 4, Council House Street, Kolkata – 700001, the matter may be dealt with by the 2nd respondent at its office at 6 Church Lane, Kolkata – 700001.

The said fact is disputed by the petitioner as well as the State respondent on the ground that the factory of the 3rd respondent is situated at village Manickpur, District Howrah, where the incumbent was employed and the cause of action arose at the said place.

The issue with regard to the jurisdiction/place of hearing of the application is kept open and shall be dealt with by the Controlling Authority upon considering the submissions made on behalf of the petitioner as well as the 3rd respondent.

Accordingly, the writ petition is disposed of directing the 2nd respondent to consider and dispose of the application filed by the petitioner before it within a period of four months from the date of communication of this order, in accordance with law.

It is made clear that this Court has not gone into the merits of the case and the parties shall be at liberty to place all the points as contended in the writ petition before the authority at the time of hearing.

With the above observations and directions this writ petition being WPA 20490 of 2021 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.)