

248
09.03.2022
b.das

W.P.A. 20696 of 2021

**Noor Alam
Vs.
The State of W.B. & Ors.**

**Mr. Bikash Shaw
.... For the Petitioner**

**Mr. Bipin Ghosh
.... For the Respondent No. 3**

**Mr. Tarak Dutta
Mr. Sauradeep Dutta
.... For the Respondent No. 4**

The order of the Appellate Authority passed on 22nd September, 2021 is under challenge in this writ petition.

The petitioner was appointed with the 4th respondent on 21st April, 1981 and retired from service on 1st March, 2018 after putting in 36 years of continuous service. On failure of the 4th respondent to clear the gratuity payable to the petitioner, the petitioner submitted an application in Form I before the employer, which was not considered. Subsequently, the petitioner filed an application in Form N before the Controlling Authority which was registered as Gratuity Case No.139/G/2018 and by an order dated 4th November, 2020 the Controlling Authority allowed the application of the petitioner and directed payment of

gratuity to the petitioner to the tune of Rs.2,94,935/- along with statutory interest in terms of Section 7(3A) of the Payment of Gratuity Act, 1972.

Aggrieved by the said order, the company preferred an appeal before the Appellate Authority and by the order impugned dated 22nd September, 2021 the Appellate Authority allowed the appeal and set aside the order of the Controlling Authority. The Controlling Authority was granted liberty to modify the earlier direction, providing opportunity to the parties, if required, for submission of further evidence in support of their case.

It is submitted on behalf of the 4th respondent that in terms of the liberty granted by the Appellate Authority, the Controlling Authority has taken up the matter for reconsideration and the matter is pending before the authority. The next date for hearing before the Controlling Authority has been fixed on 14th March, 2022.

In view of the fact that the order of the Controlling Authority has been set aside and the parties have been granted further opportunity to place additional evidence, if any, before the Controlling Authority, this Court refrains from making any observation on merits of the case. The Controlling Authority be directed to dispose of the matter within a stipulated period of time.

In view of the above, the writ petition is disposed of directing the Controlling Authority, the 2nd respondent herein, to dispose of the application pending before it in terms of the observation made by the Appellate Authority in the order impugned dated 22nd September, 2021 after giving reasonable opportunity to both the parties for adducing additional evidence, if any. Such exercise should be completed within a period of three months from the date of communication of this order.

With the above observation, W.P.A. 20696 of 2021 is disposed of.

There shall be no order as to costs.

Since no affidavit has been invited, allegations contained in the writ petition shall be deemed not to have been admitted.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)