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05.01.2022
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W.P.A. 20704 of 2021
(Ramratan Mahato vs. State of West Bengal & Ors.)

Mr. Bikash Shaw
.... For the Petitioner

Mr. Susovan Sengupta
.... For the State

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

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

The petitioner is aggrieved by the order of the Appellate Authority passed under Section 7 of the Payment of Gratuity Act, 1972 on 22nd September, 2021. The petitioner was initially a Badli worker under the 4th respondent and was subsequently made permanent under the employer. The petitioner superannuated on 1st February, 2018 after serving for 37 years with the company, despite which his retiral benefits including the gratuity were not paid by the company. The petitioner submitted application in Form I before the company, which was not considered following which the petitioner

filed an application in Form N before the Controlling Authority. The Controlling Authority by an order dated 11th February, 2020 allowed the application of the petitioner and directed payment of gratuity to the petitioner to the tune of Rs.2,67,160/- along with statutory interest in terms of Section 7(3A) of the Payment of Gratuity Act, 1972 with effect from one month from the date of retirement.

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 the next date for hearing before the Controlling Authority has been fixed on February 16, 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. The Controlling Authority should complete the entire exercise within a period of three months from the date of communication of this order.

With the above observation, W.P.A. 20704 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.)