

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 20206 of 2022

Bhanu Bhuiya alias Bhanu Bhuia
Vs.
Eastern Coal Fields Limited & Ors.

Ms. Disha Shukla,
Mr. Partha Chakraborty
.... For the petitioner.
Mr. Manik Das
... For ECL.

Affidavit of service filed in Court today be retained with the records.

The writ petitioner claims to have been working in Eastern Coalfields Limited (in short "ECL") from November 13, 1987. The writ petitioner was superannuated with effect from May 31, 2022 after serving his employer for 34 years 6 months and 18 days.

The claim in the writ petition arises out of non-disbursement of the retiral benefits of the writ petitioner including his pension, gratuity, provident fund and leave salary.

Ms. Shukla, learned counsel, appearing on behalf of the petitioner states that even after 4 months from the date of retirement, the retiral benefits of the petitioner have not been issued and the petitioner is living in dire financial straits.

Mr. Das, learned counsel, appearing on behalf of the respondents/Eastern Coalfields Limited (in short "ECL") argues that just before the retirement of the petitioner, a complaint has been received from one Farida Begum whereby the identity of the ex-employee was questioned.

By a letter dated June 15, 2022, the said Farida Begum lodged a purported complaint that the writ petitioner/person employed in the company for the last 34 years was not “Bhanu Bhuia” and was ‘Bande Ali’.

The Area Personnel Manager, Sonapur Bazari Area, ECL issued a letter on the basis of such a complaint for the purpose of confirming the genuinity, the identity of the ex-employee. Furthermore, it was stated in the letter that when the correspondence is received, the employer would release the terminal benefits of the ex-employee. It has not been stated what would be the status of the ex-employee’s retiral benefits if the “unknown entity” decided not to respond to his letter. Interestingly, it is not stated to whom the Area Manager issued the letter to.

From the tenor of the letter, it appears that till such time the identity of Bhanu Bhuia/writ petitioner, ex-employee is not confirmed “by the unknown authority”, the terminal benefits of the ex-employee will not be issued.

Mr. Das also submits that the amount due and payable to the ex-employee on account of gratuity will be deposited by the employer/ECL with the Controlling Authority in accordance with the provisions of Payment of Gratuity Act, 1972. No explanation has been sought to be given as to why the said amount of gratuity has not been deposited within one month from the date of retirement of the employee since, according to the employer, a dispute exists with regard to the identity of the person person to whom the gratuity amount is to be released.

After considering the rival submissions of the parties and materials placed on record, this Court finds no reason for withholding the retiral benefits of the ex-

employee who has been working with the company for more than 34 years and whose identity was never in doubt or question till the fag end of his career when some unknown person by the name of Farida Begum has sought to issue a purported letter to the employer/ECL for the purpose of stopping retiral benefits of the ex-employee.

From a representation dated July 11, 2022 made by the ex-employee to the Area Personnel Manager, ECL, it appears that the UM number referred to by the said Farida Begum is 131589 and does not tally with the UM number given to the ex-employee which is **693717** in the Identity Card issued by the employer. Furthermore, it appears from the said representation that the same position was also clarified at the time of hearing before the Vigilance Officer by the ex-employee/writ petitioner.

From the reply issued by the Area Personnel Manager, ECL on August 6/7, 2022, it is apparent that the statements made by the writ petitioner in his representation have not been controverted by the Area Personnel Manager.

In the circumstances, this Court finds that there is no valid reason for withholding the retiral benefits of the ex-employee/writ petitioner who has rendered unblemished service continuously for a period of more than 34 years.

The retiral benefits is directed to be disbursed to the writ petitioner within 8 weeks from date by the authority concerned.

Since no affidavits have been invited to the writ petition, the allegations contained in the writ petition be deemed not to have been admitted by the parties.

With the direction aforesaid, the writ petition, being

WPA 20206 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.)