

W.P.A. 3353 of 2015

**Sri Mangal Chandra Bangal
Vs.
The State of West Bengal & Ors.**

Mr. Amar Nath Sen
Mr. Amit Bikram Mahato
...for the petitioner

Mr. Ankit Sureka
Mr. Biplab Das
Mr. Partha Sarathi Pal
...for the respondent no. 2

Writ petition is taken up for consideration when the learned advocate representing the petitioner files affidavit-of-service showing service upon the learned advocate representing Bankura Town Co-operative Bank Limited being respondent nos. 3 and 4. In spite of service of notice upon the learned advocate representing respondent nos. 3 and 4 those respondents are not represented today. However, Registrar of Co-operative Societies being the respondent no. 2 is represented.

The grievance of the petitioner is he retired on superannuation on 31st March, 2011 from Bankura Town Co-operative Bank Limited but subsequently was not paid gratuity in terms of the Payment of Gratuity (Amendment) Act, 2010 and leave salary for the period which he was entitled to receive in consideration of the terms of agreement as made between Bankura Town Co-operative Bank Limited and Bankura Town Co-operative Bank Employees' Union.

Petitioner had filed writ petition being WPA 14892 of 2011 which was disposed of by a coordinate Bench vide order dated 17th January, 2012 upon deciding the claim of the petitioner relating to gratuity and leave salary. It has been submitted on behalf of the petitioner that the contention of the petitioner for release of gratuity in terms of the Payment of Gratuity (Amendment) Act, 2010 was allowed by the coordinate Bench thereby directing the concerned authority of Bankura Town Co-operative Bank Limited to release enhanced amount as per Payment of Gratuity (Amendment) Act, 2010 but with regard to claim of the petitioner for release of enhanced leave salary it was observed by the coordinate Bench that petitioner shall be paid leave salary for 90 days immediately and as far as remaining claim of leave salary is concerned, the same shall be governed by whatever agreement that was in force on the date of superannuation of writ petitioner between the Bankura Town Co-operative Bank Limited and Bankura Town Co-operative Bank Employees' Union.

Now it has been contended on behalf of the petitioner that petitioner is entitled to receive enhanced leave salary in terms of agreement as made between the Bankura Town Co-operative Bank Limited and Bankura Town Co-operative Bank Employees' Union which has not been released in favour of the petitioner that

prompted the petitioner to approach this Court with the present writ petition.

In spite of direction for filing affidavits by the coordinate Bench on 8th September, 2016 till date no affidavits have been filed by the respondents.

In view of observation made by the coordinate Bench in order dated 17th January, 2012 relating to observance of terms of agreement as made between Bankura Town Co-operative Bank Limited and Bankura Town Co-operative Bank Employees' Union in the matter of release of leave salary this Court directs Assistant Registrar of Co-operative Societies, Bankura Range to take decision on the claim of the petitioner, if representation is made by the petitioner claiming enhanced leave salary within fortnight from date. Assistant Registrar of Co-operative Societies, Bankura Range is directed to take such decision within a period of 12 (twelve) weeks from date of receipt of representation from the petitioner after granting opportunity of hearing to the petitioner and Bankura Town Co-operative Bank Limited. The decision to be taken by the Assistant Registrar, Co-operative Societies, Bankura Range shall be communicated to the parties within 1 (one) week thereafter.

The learned advocate for the petitioner is granted liberty to amend the cause title of the writ petition and

add Assistant Registrar, Co-operative Societies, Bankura Range as respondent in course of this day.

The learned advocate for the petitioner is also directed to communicate this order enclosing copy of the writ petition to the Assistant Registrar, Co-operative Societies, Bankura Range within 1 (one) week from date.

With the aforesaid direction, the writ petition stands disposed of.

There shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)