

S/L 24
04.10.2023
Court No.38
SD

WPA 11978 of 2023

M/s. Appayan & Anr.
Vs.
Union of India & Ors.

Mr. Subhojit Seal

...for the Petitioners.

Mr. Anindya Lahiri

Ms. Pranati Das

...for the Respondent Nos.6-17.

Mr. Uttam Kr. Mandal

...for the Respondent Nos.4-5.

The grievance of the petitioners is directed against a proceeding initiated under the Payment of Gratuity Act, 1972.

It is submitted by the respondent authority that there is a statutory remedy under the Act and the writ petition is not maintainable and the oblique purpose of filing of this petition is to circumvent the mandatory pre-deposit obligation.

It is submitted on behalf of the petitioners that no final order has been passed till date. Hence, there is no question of preferring any appeal.

I have considered the averments in the petition. In view of the fact that there is a statutory alternative remedy of appeal under the Act, there is no question of entertaining the writ petition. In my view, this writ petition being filed against the initiation of the proceedings and is found to be premature and misconceived.

Accordingly, WPA 11978 of 2023 stands dismissed as non-maintainable.

Liberty is granted to the petitioners to raise all points
as may be available in accordance with law.

(Ravi Krishan Kapur, J.)