

24.03.2023
DL-6
(PP)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 19109 of 2022

Sri Badrinath Prasad & Ors.
Vs.
Union of India & Ors.

Mr. Bikash Shaw
.....for the petitioner.

Mr. Tarak Karan
.....for the State.

Ms. Amrita Pandey
.....for the respondent no.5.

The petitioners were ex-employees of M/s. Murlidhar Ratanlal Exports Limited (Gondalpara Jute Mill)/respondent no.5. The petitioners who were ex-employees of the said company have filed the instant writ petition. All the writ petitioners claim that the gratuity amount has not been paid to them as ensured under the Payment of Gratuity Act, 1972. Orders were passed by the Controlling Authority under the Payment of Gratuity Act, 1972 in favour of all the writ petitioners.

Mr. Shaw, learned counsel appearing on behalf of the petitioner submits that on March 4, 2021 a certificate was issued by the Controlling Authority & Assistant Labour Commissioner, Chandernagore, Hooghly to the Collector & District Magistrate,

Chinsurah, Hooghly for recovery of the amount of gratuity along with simple interest/compound interest as is applicable from the employer/respondent no.5.

Ms. Pandey, learned counsel appearing on behalf of the employer/respondent no.5 submits that an appeal is pending before the learned Deputy Labour Commissioner and the Appellate Authority under the Payment of Gratuity Act, 1972. The said appeals were filed on different dates. The Appellate Authority is in the process of hearing the said appeals. She submits that the gratuity amount has also been deposited before the Appellate Authority as is required under the law.

A prayer is made on behalf of the petitioners for expeditious disposal of the said appeals.

Considering the prayer of the petitioners, it is requested that the said appeals be disposed of by the Appellate Authority within 4 months from date. It is expected that no unnecessary adjournments will be granted while hearing of the said appeals.

With the directions aforesaid, **WPA 19109 of 2022 is disposed of.**

Since no affidavits have been called for in the writ petition, the allegations contained therein are

deemed not to have been admitted by the respondents.

The documents handed over in Court today by Ms. Pandey are retained with the records.

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.)