

Form No.J(2)

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

Present:

The Hon'ble Justice Raja Basu Chowdhury

WPA 21975 of 2022

Sujoy Kumar Jana
Vs.
The State of West Bengal & Ors.

For the petitioner : Ms. Senjuti Sengupta
Mr. R. Guha Thakurta
Ms. Dipa Roy

For the State : Ms. Tuli Sinha

Heard on : 23.03.2023

Judgment on : 23rd March, 2023.

Raja Basu Chowdhury, J:

1. The present writ application has been filed *inter alia* praying for a direction upon the respondent no.2 to dispose of the Gratuity Case No. G-69 of 2019.
2. Mr. Guha Thakurta, learned advocate representing the petitioner submits that the petitioner was employed by the respondent no.3 on and from 17th March, 1980. The petitioner had since been superannuated with effect from 16th June, 2018, after serving the respondent no.3 for 39 years. Since the respondent no.3 did not

make payment of the gratuity, the petitioner applied in Form-I. Incidentally, the petitioner's application claiming for gratuity was rejected by the respondent no.3. Such fact would corroborate from a communication in writing dated 1st February, 2019.

3. Faced with the aforesaid situation, the petitioner applied before the Controlling Authority under the Payment of Gratuity Act, 1972 (hereinafter referred to as the "said Act") in Form -N. Mr. Guha Thakurta submits that despite filing of such application way back on 7th March, 2019, such application till date has not been disposed of. Mr. Guha Thakurta further submits that the respondent no.3 in an attempt to defeat the petitioner's right has been delaying the proceedings. He says that unless a specific direction is issued by this Hon'ble Court directing the respondent no.2 to hear out and dispose of the petitioner's application, the petitioner will suffer irreparable loss and injury.
4. Ms. Sinha, learned advocate enters appearance for the respondent no. 2 and submits on instruction that the application in Form-'N' has been taken up for consideration by the respondent no. 2. Due procedure, as per the provisions of the Act and rules framed thereunder, are being followed.
5. Despite service the respondent no.3 remains unrepresented. Fresh affidavit of service filed in Court is taken on record.
6. Heard the learned advocate appearing for the respective parties and considered the materials on record. Considering the nature of

relief prayed for by the petitioner, I am of the view that no useful purpose will be served in keeping the writ application pending or in inviting affidavits. I find that the petitioner only seeks expeditious disposal of his gratuity case, which has been pending before the respondent no.2 since 7th March, 2019.

7. In such circumstances, I direct the respondent no.2 to hear out and dispose of the petitioner's application along with objections, if any, raised by the respondent no.3, as expeditiously as possible, preferably, within a period of six months from the date of communication of this order.
8. I, however, make it clear that I have not gone into merits of the claim of the petitioner and it shall be for the respondent no.2 to decide the petitioner's claim in accordance with law.
9. With the above observation and/or direction, the writ application, being WPA 21975 of 2022 stands disposed of.
10. There shall, however, be no order as to costs.
11. Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of necessary formalities.

(Raja Basu Chowdhury, J.)