

10.10.2023

Ct.No. 550

Sl.No. A 43

Amalranjan

WPA 22602 of 2023

Nizamuddin Sk

Vs.

State of West Bengal & Ors.

Mr. Susanta Pal

...for the petitioner

Mr. Rajarshi Basu

Mr. Anirban Datta

...for the State

Ms. Amrita Pandey

...for the respondent no. 3/Delta Ltd.

1. Complaining inaction on the part of the of the Controlling Authority under the Payment of Gratuity Act, 1972, (in short the “said Act”), the writ application has been filed. It is submitted that although, the application filed by the petitioner for determination of gratuity, was received by the Controlling Authority on 28th August, 2015, the said application is yet to be disposed of.
2. The petitioner claims to be an ex-employee of M/s. Delta Limited the respondent no. 3 herein.
3. Despite serving the respondent no.3 for 36 years, since, gratuity was not disbursed in favour of the petitioner, the petitioner had applied before the Controlling Authority under the said Act, on 28th August, 2015, for determination of the gratuity payable to him.

According to the petitioner said application is still pending and has not been disposed of.

4. Mr. Rajarshi Basu, learned advocate representing the State respondents on instruction submits that steps have already been taken by the Controlling Authority under the said Act to hear out the case. By an order dated 19th July, 2017 the Controlling Authority had called upon the respondent no. 3 to file the written statement.
5. Ms. Pandey, learned advocate appearing for the M/s. Delta Limited, the respondent no. 3, submits that she is yet to receive any instruction. She prays for an accommodation and submits that she is not aware whether any written statement has been filed on behalf of the respondent no. 3.
6. Heard the learned advocates for the respective parties. In this case, from the document at page 14 of the writ application, it would appear that the petitioner was an employee of the respondent no. 3. It would also appear from the application in form 'N' duly received by the respondent no.2 that the application has been filed in the year 2015.
7. Having regard to the fact that the aforesaid application for determination of the gratuity is

pending for almost 8 years, it was only expected that the said application would be disposed of within a reasonable time. Unfortunately, the same has not been done.

8. Having regard to the aforesaid and without going into the controversy as to what led to the delay, I am of the view that the Controlling Authority should immediately taken up the matter for consideration.
9. The parties are directed to appear before the Controlling Authority on 16th October, 2023. In the event, the respondent no. 3 has not filed the written statement, such written statement may be filed before the Controlling Authority on or before 16th October, 2023 with an advance copy thereof, to be served on the petitioner.
10. The Controlling Authority shall immediately take up the matter and shall dispose of the same on merit within a period of eight weeks from 16th October, 2023, without granting any unnecessary adjournment to the parties.
11. With the above directions and observations, the writ application being WPA 22602 of 2023 is disposed of.

12. As affidavits were not invited, the allegations contained in this writ petition are deemed not to be admitted.

13. All parties are to act on the basis of server copy of this order duly downloaded from the Official Website without insisting for any certified copy thereof.

(Raja Basu Chowdhury, J.)