

13.07.2023
Ct. No.7
S/L No.12
KS

W.P.A. 21507 of 2019
Sri Pradip Kumar Maity
-Vs.-
The State of West Bengal & Ors.

Mr. Biswanath Chakraborty
Mr. Krishnendu Bera
Ms. Debolina Chakraborty
.....For the Petitioner
Mr. Sanjay Saha
.....For the respondent Nos.2 to 4

1. The immediate grievance of the petitioner is that the West Bengal Essential Commodities Supply Corporation (hereinafter referred to as “the Corporation”) has released less amount of gratuity than what the petitioner is entitled to.
2. Learned advocate appearing for the petitioner draws the attention of this Court to the reply given pursuant to the application under the provisions of the Right to Information Act and submits that the petitioner is entitled to gratuity more than Rs.3,42,553/-/. It is, however, not in dispute that the petitioner has received net gratuity of Rs.3,42,553/-.

3. Learned advocate appearing for the petitioner submits that even on account of leave salary, the petitioner has received less amount than what he is entitled to.
4. This Court cannot enter into such dispute and deems it fit to leave such issue open for the authorities to decide upon a representation being made by the petitioner to the Corporation.
5. The petitioner will be at liberty to submit a representation giving the details of the calculation of the gratuity amount, leave salary as well as payments on account of other retiral benefits, which shall be submitted before the appropriate authority of the 2nd respondent within a period of four weeks from the date of receipt of the server copy of this order. Upon receipt of the representation, the competent authority of the 2nd respondent shall consider and dispose of the same by passing of a reasoned order and communicate the same to the petitioner.
6. The entire exercise shall be completed by the competent authority of the 2nd respondent as expeditiously as possible, but positively within a period of six weeks from the date of submitting the representation by the petitioner.
7. With the above directions, the writ petition stands disposed of.
8. There shall be no order as to costs.

9. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(Hiranmay Bhattacharyya, J.)