

D/L 08.
August 14, 2024.
KAUSHIK.

WPA No. 16441 of 2024

Bright Security Services
Vs.
The State of West Bengal and others

Mr. Ayan Banerjee
Ms. Debashree Dhamali
Ms. Riya Ghosh

... for the petitioner.

Mr. Supratim Dhar
Mr. Amrita Lal Chatterjee

...for the State.

The grievance of the petitioner is directed against the issuance of a notice being Form No. 'O' under sub-rule 11 of the Payment of Gratuity (Central) Rules, 1972.

It is submitted on behalf of the writ petition that the application for gratuity was not liable to be entertained on the ground that the same has been filed after a period of five years from the date of gratuity had allegedly become due and payable. In this regard, the petitioner relies on the provisions of Rule 7 (5) of the above Rules.

The State is represented and submits that the matter is at a nascent stage and all issues are left open for the petitioner to agitate before the Tribunal. There has been no adjudication at all which prejudices the rights of the petitioner and

the petitioner ought to raise all issues before the authorities.

In view of the above, WPA 16441 of 2024 stands dismissed by granting liberty to both the parties to raise all issues in accordance with law before the respondent no. 2. There is no scope for interference by the Writ Court at this stage of this proceeding.

It is made clear that there has been no adjudication on the merits of the case and no observation/finding in this order is binding on the respondent no. 2.

All points are left open to be decided by the respondent no. 2 in accordance with law.

There shall, however, be no order as to costs.

(Ravi Krishan Kapur, J.)