

2.2.2024
Ct.35,sl.16
sk

WPA 21252 of 2019

Prof. Dr. Pranab Ray-vs-State of West Bengal & Ors..

Syed Nagmul Hosain
Mr. Afrin Nahar Mandal
...for the petitioner.

Mr. K.M.Hossain
...for the State.

The writ petitioner is the erstwhile Professor in Bio-Technology (Endowment Backed), Department of Biotechnology, University of Burdwan. He was appointed there on 10.9.2003 and retired from there on 31.9.2012.

Mr. Hossain, learned advocate appearing for the writ petitioner submits that upon attaining the age of superannuation, his client has retired on the date as mentioned above.

He submits that the writ petitioner has been paid all other retiral benefits excepting the gratuity. He has referred to an annexed document i.e. letter dated 15.7.2019 addressed to the respondent no.3, seeking release of payment of gratuity amount in favour of the writ petitioner. No action has been taken on the basis of the same. Hence, this writ petition, to seek adequate relief for the petitioner.

No one is appearing for the respondent/State, though on the previous occasion, on 17.1.2024, on behalf of the State time was taken for obtaining instructions from the concerned respondent.

Considering as above, the writ petition is taken up today for adjudication and disposal.

Gratuity of an employee is an unavoidable statutory right of him, for which the respondent authority is mandated under the law for due compliance of the statutory provision as well as immediate payment thereof to an employee upon his superannuation. Considering the mandatory nature of the law for payment of gratuity, it is found that withholding of gratuity without any justifiable reason is an illegal act on the part of the respondent authority.

On the finding as above, the present writ petition is disposed of by directing the respondent no. 3 to consider the petitioner's prayer vide letter dated 15.7.2019 and release gratuity amount applicable to the writ petitioner.

In doing so, the respondent no. 3 shall afford opportunity of hearing to the writ petitioner as well as any other person as it thinks fit and proper.

The entire exercise as above shall be concluded by the said respondent, within a period of two weeks from the date of supply of copy of this order, in the office of the respondent no. 3.

The writ petition being WPA 21252 of 2019 is disposed of.

Urgent photostat certified copy of this order duly downloaded from the official website of this court upon compliance all legal formalities.

(Rai Chattopadhyay, J.)