

13.06.2025
Item No.03
BR

WPA 1541 of 2024
Joydeb Chandra Sinha
-vs-
The Deputy Chief Labour Commissioner
(Central) and others

Mr. Siddhartha Banerjee,
Ms. Soni Ojha,
Ms. Sambrita B. Chatterjee
... for the petitioner

Mr. Rajib Mukhejee,
Ms. Shreyasi Bhaduri
... for the BSNL

Mr. Ajit Kumar Mishra,
Mr. Abhishek Dey
...for the respondent no.1 and 2

The writ application has been preferred challenging the order dated 10th August, 2022 passed by the respondent no. 2 being the order of the Controlling Authority.

The order of the Controlling Authority is an appealable order and as such the writ prima facie does not lie.

It is submitted by the learned counsel for the petitioner that vide an order 16.12.2022 the Deputy Chief Labour Commissioner (Central), Asansol and Appellate Authority under the Payment of Gratuity Act, 1972 has informed the

petitioner company that the appeal which had been preferred by the petitioner from the order of the Controlling Authority and Assistant Labour Commissioner (Central) was without the mandatory deposit of the awarded gratuity amount awarded by the Controlling Authority.

It is stated in the letter of intimation that as pre-deposit is a mandatory condition under sub-section 7 of Section 7 of the Payment of Gratuity Act the appeal could not be entertained. The petitioner though has annexed the letter of the Appellate Authority has not challenged the said notice. The relief prayed for by the petitioner is only in respect of the order passed by the Controlling Authority which is not maintainable before the writ Court .

The writ application, thus, stands dismissed being not maintainable.

The relief of the petitioner lies before the Appellate Authority on the mandatory compliance of Section 7 (7) of the Payment of Gratuity Act, 1972.

Urgent Photostat certified copy of this order, if applied for, be given to the learned counsel for the parties on usual undertakings.

(Shampa Dutt (Paul), J.)