

Form No. J.(2)
Item No. 46
AB

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

Present:

The Hon'ble Justice Aniruddha Roy

W.P.A. 3321 of 2025

Abdul Wahab
Vs.
Union of India & Ors.

For the petitioner	:	Mr. Upendra Roy, Advocate Ms. Kanchan Roy, Advocate
For Union of India	:	Mr. Pradyut Saha, Advocate Mr. Nilanjan Bhattacharjee, Advocate
For respondent nos. 2 to 7	:	Mr. Ashok Kumar Jena, Advocate
Heard on	:	September 24, 2025
Judgment on :	:	September 24, 2025

Aniruddha Roy, J.

The petitioner claims to be an ex-employee of Port Trust authority. Petitioner claims part of his statutory benefits which according to the petitioner are payable. Petitioner has submitted a representation dated **November 29, 2024** and the same has not yet been considered.

Mr. Ashok Kumar Jena, learned advocate appearing for the Kolkata Port Trust authority has denied and disputed the claim of the petitioner. He submits that, the petitioner was removed from his service long back due to unauthorized absence. Mr. Jena further submits that, the records are consulted to be very old.

After considering the rival contentions of the parties and upon perusing the materials on record this Court is of the view that, if ultimately it is found that the petitioner was an employee of the Port Trust authority and if his statutory dues are not paid or partly unpaid, it shall be the obligation of the employer to pay the unpaid statutory dues, if any.

The representation shows that, the claim of the petitioner is only on account of alleged unpaid Provident Fund.

In view of the above, the respondent no. 6 upon issuing a prior hearing notice of at least **seven days** to the petitioner and after granting him an opportunity of hearing shall decide the said representation dated **November 29, 2024** by passing a reasoned order in accordance with law.

The entire exercise shall be carried out and completed by the respondent no. 6 positively within a period of **three months** from the date of communication of this order and the reasoned order shall be communicated to the petitioner within a further period of **three weeks** from the date of the said reasoned order to be passed.

It is worthwhile to mention that, the petitioner while attending the hearing shall be permitted to be accompanied with his duly authorized representative.

It is made clear that, this Court has not gone into the merits of the rival contentions of the parties and all points shall be kept open before the respondent no. 6.

If the reasoned order goes in favour of the petitioner and it appears that, any due is payable to the petitioner, the same shall be paid by the

appropriate authority positively within a further period of **two months** from the date of the said reasoned order to be passed.

It is also made clear that, this order shall not create any right or equity in favour of the petitioner, if the petitioner does not succeed to his claim before the respondent no. 6 strictly in accordance with law.

Since affidavits are not called for, the allegations made in this writ petition are deemed not to have been admitted by the respondents.

With the above observations and directions, this writ petition **W.P.A. 3321 of 2025** stands **disposed of**, without any order as to costs.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)