

25.02.2025
Ct. No. 30
S.L No.10
SM

WPA 3615 of 2025
Palas Mandal
Vs.
Union of India & Ors.

Mr. Ajitesh Pandey
Mr. Z. Rauf
.....for the petitioner

Mr. Suddhasatta Banerjee
Mr. Aritra Ray
.....for the respondent no. 4 & 5

The present writ application has been preferred against an email dated 8th October, 2024 wherein the application of the petitioner/workman has been registered on Samadhan Portal at Chennai.

It is submitted by the respondent/company that as the petitioner was last employed at Chennai, the proceeding has been initiated at Chennai.

The present case relates to the termination of service of the petitioner who is a permanent resident of District Burdwan within the State of West Bengal.

The respondent company "Bridge and Roof Company (India) Limited" has its head office at 427/1 G.T. Road, Howrah within the State of West Bengal.

The petitioner herein was first appointed on 29.12.2007 in West Bengal. On 08.11.2011 he was transferred to the State of Orissa. On 31.07.2015 he was transferred and posted at Raigarh within the State of Chattishgarh. On 04.10.2017 he continued to

be posted at Raigarh. On 07.12.2020 he was posted at Chennai within the State of Tamilnadu.

The petitioner was terminated from his service on 07.12.2020, when posted at Chennai and retrenched from his employment, after having put in more than 13 years of service.

It is submitted by the learned counsel for the petitioner that having to appear before the authority at Chennai will cause severe harassment to the petitioner as he has no employment being terminated and is also a permanent resident of West Bengal.

Learned counsel for the petitioner has relied upon the judgment of this High Court in ***Bhanu Prakash versus Assistant Labour Commissioner & Ors., in WP No. 9532(w) of 2010, decided on 2nd May, 2012, Calcutta High Court.***

The Supreme Court in ***State of Goa versus Summit Online Trade Solutions (P) Ltd. & Ors., (2023) 7 SCC 791, decided on 14th March, 2023,*** while delivering the said judgment decided the point of jurisdiction taking into consideration principally as to where the cause of action arose.

In the present case prima facie the cause of action in respect of a prayer for gratuity has arisen partly in **several States** which includes the State of West Bengal, where the employer/company has its head office and the petitioner is a permanent resident.

As such considering that a major part of the cause of action has arisen within the State of West Bengal, it shall be to the convenience of both the parties to have the matter heard before the respective authorities in West Bengal.

Accordingly the proceeding arising out of claim ID 300090944 accepted on Samadhan Portal on 8th October, 2024 be transferred to the appropriate authority under the Payment of Gratuity Act in West Bengal through the Deputy Chief Labour Commissioner (Central), Govt. of India, Chennai to the Deputy Chief Labour Commissioner (Central), Govt. of India, Kolkata who shall then direct the appropriate authority/officer under his control to consider the claim in accordance with law.

Writ application stands disposed of.

Applications, if any, connected thereto stand disposed of consequently.

Interim order, if any, stands vacated.

Let a copy of this order be sent to the Deputy Chief Labour Commissioner (Central), Govt. of India, Kolkata and Chennai for urgent compliance.

Photostat certified copy of this order, if applied for, being given to the parties on priority basis upon compliance of all formalities.

[Shampa Dutt (Paul). J]