

08.07.2025
Ct. No. 30
S.L. No. 5
SM

WPA 14801 of 2025
Dasarath Rajbhar
Versus
The State of West Bengal & Ors.

Ms. Senjuti Sengupta
Mr. Rananeesh Guha Thakurta (V/C)
..... for the petitioner
Mr. Rajendra Chaturvedi
.....for the State

Affidavit-of-service filed be kept with the record.

It appears that the petitioner's prayer for gratuity before the Controlling Authority being Case No. G-99/2018 is still pending.

Learned counsel for the State has placed a report submitted by the Controlling Authority dated 07.07.2025 wherein it is stated that the case could not be taken up since 10.07.2018 due to non-appearance of the petitioner.

It appears that the Controlling Authority also did not take any action to ensure the appearance of the petitioner or proceed in accordance with law.

It is further stated that on 05.01.2024 the petitioner through his learned advocate made a representation for early disposal and **the file was allotted to the Controlling Authority on 11.01.2024.**

The Controlling Authority has further stated that the as per rules the proceedings are continuing and the next date is fixed on 30.07.2025 for filing of examination-in-chief of the opposite party company.

The conduct of the Controlling Authority is very unfortunate because in spite of receiving the file on 11.01.2024, the next date has been fixed on 30.07.2025 by giving the 'excuse of proceedings' as laid down in the said acts, which are best known to the Controlling Authority.

Such act is being condemned by the Court. Let a copy be sent to the Labour Commissioner, Government of West Bengal to proceed against the said Controlling Authority in accordance with law.

Considering the materials on record the Labour Commissioner, Government of West Bengal shall now allot the file G-99 of 2018 to another Officer/Controlling Authority within 7 days from the date of this order and the said Controlling Authority shall dispose of the proceedings within 60 days thereafter, on hearing the parties by passing a reasoned order, in accordance with law within the time frame as directed.

The Labour Commissioner shall proceed against the present Controlling Authority as directed.

Writ application stands disposed of.

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

Interim order, if any, stands vacated.

All parties are directed to act on the server copy of this order downloaded from the official website of this Hon'ble Court.

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

[Shampa Dutt (Paul). J]