

16.07.2025
Item No.2
Ct. No. 30
Aloke

WPA 15247 of 2025

**Jankalyan Vinimay Private Limited & Anr.
Vs.
State of West Bengal & Ors.**

Mr. Sujit Banerjee
Mr. Nilay Sengupta
... for the petitioners
Mr. Bimalendu Das
Mr. Saina Sumi
... for the State

1. Affidavit-of-service filed be kept with the record.
2. The writ application has been preferred against the order passed by the appellate authority on 08.05.2025 wherein it appears that the appeal was dismissed on the ground that it is barred by limitation.
3. It is submitted by the petitioners that necessary directions may be passed for hearing the appeal on merit in the interest of justice.
4. Learned counsel for the petitioners has placed the document at page 39 of the writ application wherein it appears that the principal amount has been secured with the Controlling Authority.
5. It is further submitted by the learned counsel for the petitioners that though gratuity is due to the workman it is the period which is disputed by the petitioners and that is the challenge in the appeal.

It also appears that a review application has been filed before the Controlling Authority but as an appeal has been preferred subsequently, the review application has become infructuous.

6. The learned counsel for the petitioners has relied upon the judgment of Coordinate Bench passed in WPA 8636 of 2024 dated 26.04.2024 wherein the Court had granted leave to the petitioners to prefer an appeal on certain conditions. It is submitted that one opportunity may be granted to the petitioners to have the appeal heard on merit.

7. Considering that though the appellate authority has decided the matter correctly but on the point of limitation this Court in the interest of justice condones the delay on payment of cost of Rs.10,000/- to the workman which is to be paid prior to the appeal being restored. The payment of cost be made at the earliest and on payment of cost the appeal shall stand restored on the delay being condoned. The appellate authority on the appeal being restored shall make all endeavour to dispose of the appeal in accordance with law on merit within 30 days thereafter and pass a reasoned order.

8. The writ application is accordingly disposed of.

9. Connected application, if any, stands disposed of.

10. Interim order, if any, stands vacated.

11. Urgent Photostat certified copy of this order, if applied for, be given to the parties, upon usual undertakings.

(Shampa Dutt (Paul), J.)