

S/L 57
12.11.2025
Court No.10
Swd

WPA 24423 of 2015

Subhas Majumdar

Vs.

The State of West Bengal & Ors.

*Mr. Bikash Shaw,
Mr. Sk. Saad Islam.*

...for the Petitioner.

*Mr. Sharanya Chatterjee,
Mr. Subhajit Barman.*

...for the Respondent No.5.

1. The parties are represented through the learned Counsels.
2. The petitioner submits that the adopted son of Smt. Labannya Probha Majumder, since deceased, was an employee of respondent No.5 in the Kalyani Spinning Mill Ltd, Kalyani. He submits that his mother worked in the mill for a long period of 23 years but in the year 1996 she was declared incapacitated by the concerned management of the respondent No.5. The respondent No.5 by a letter dated 29.02.1996 advised the mother of the petitioner to take retirement from the service of the respondent No.5 on and from 29.02.1996 on the following terms and conditions at page 25 as reproduced below:-

1. *“That one solely dependant member of your family would be considered for employment in the Company as "Trainee Badli" (if found to*

be suitable) shortly after your retirement and no other extra monetary benefit would be given for such retirement;

- 2. That in case of having no eligible children of your family the benefit of V.R.S. in modified form may be considered and*
- 3. That usual retirement benefits will be given upto the date of your retirement.”*
3. At the time when the mother of the petitioner tendered her resignation the petitioner was a minor.
4. The mother of the petitioner already made a representation before the management of the respondent No.5 for compassionate appointment for the employment of the adopted son. Since, the petitioner was a minor at that relevant point of time, the mother was advised to contact with the management only after the petitioner attains the age of majority.
5. The petitioner submits after attaining the majority a representation dated 24th August, 2025 was made before the authority concerned for payment of gratuity and other retiral benefits as entitled to by the mother of the petitioner and also with regard to the non-fulfillment of the written commitment made to the deceased mother for providing an employment to her legal heirs.
6. The respondent submits that in order to prove the entitlement of the petitioner being a legal heir he is

supposed to produce relevant document to substantiate the same. He further submits that the amount of gratuity which had fallen due was already disbursed by the management of respondent No.5 to the petitioner.

7. After hearing of the rival contentions of the parties and I am of the considered view that the petitioner shall make a detailed comprehensive representation before the Managing Director of the respondent No.5 along with the documents annexed to the writ petition for consideration within a period of two weeks from date.
8. The Managing Director shall take assistance with the Manager, Kalyani Unit to consider the case of the petitioner and pass a reasoned order upon affording opportunity for hearing to the respective parties within the period of 60 days from the date of filing the representation and communicate such decision within a week thereafter.
9. The matter is pending for a long time the Managing Director shall expedite the hearing and arrive at a logical conclusion by considering the relevant documents including the representation dated 24th August, 2015 at page 46 of the writ petition in the strength of the letter dated 29.02.1996 issued by the Manager, Kalyani Unit of respondent No.5.

10. With the above observation and directions, this writ petition WPA 25884 of 2025 is disposed of without taking any exception to the merits of the case.

(Smita Das De, J.)