

**In the High Court at Calcutta
In the Circuit Bench at Jalpaiguri**

26 **09.01.2025**
 Ct. No.01
 Sws.M

MAT 114 of 2024

**West Bengal University of Animal
and Fishery Science**

-Vs.-

The State of West Bengal & Ors.

Dr. Navin Barik
Ms. Esha Acharya

.....for the appellant

Mr. Hirak Barman
Mr. Bikash Singha

...for the State

The grievance of the appellant is directed against an order dated 12 November, 2024.

Briefly, the appellant had assailed an order of the Appellate Authority passed under the Payment of Gratuity Act, 1972 by which an appeal filed before the said Authority had not been admitted on the ground of non-payment of the pre-deposit stipulated under the Act.

In a prior round of litigation after giving a sympathetic consideration to the appellant's case, the Court had ultimately permitted the appellant to deposit 50% of the awarded amount before the Competent Authority as a pre-condition to the filing

of the appeal. Admittedly, the amount of 50% has been deposited by the appellant before the Appropriate Authority. However, in view of the fact that the appellant had failed to appear on the fixed date of hearing on 10 September, 2024, the appeal before the Appellate Authority was dismissed.

In this background the appellant had filed the writ petition, *inter alia* claiming an opportunity to be heard on merits before the Appellate Authority.

By the impugned order, the Learned Judge has dismissed the writ petition on the ground that the appellant had failed to avail of the opportunity granted before the Appellate Authority even after the order dated 20 May, 2024.

It is submitted on behalf of the State-respondents, who are the primary contesting respondents that under Rule 18(4) of the West Bengal Payment of Gratuity Rules, 1973, the appellant has a remedy of approaching the Appellate Authority in case of non-appearance and file an application within a period of 60 days from the date of the order.

We are mindful of the fact that the appellant is a unit of the State of West Bengal and the primary

contesting respondent is also the State of West Bengal.

In view of the above and primarily on the ground that the appellant has lost a valuable right to be heard on merits, the impugned order in the writ petition dated 30 September, 2024 is set aside.

The matter is remanded back to the respondent No. 2, being the Appellate Authority and the Deputy Labour Commissioner, Jalpaiguri to hear the Appeal Case being GA 1 of 2024 without giving any unnecessary adjournments to either of the parties and preferably within a period of 6(six) weeks from the date of communication of this order.

With the above directions, MAT 114 of 2024 stands disposed of.

However, there shall be no order as to costs.

(Ravi Krishan Kapur, J.)

(Uday Kumar, J.)