

01.04.2026
Ct. No. 30
S.L. No. 8
SM

WPA 7042 of 2026
Bharat Sanchar Nigam Limited & Ors.
Versus
The Ld. Controlling Authority, Kolkata &
Assistant Labour Commissioner (Central)-II & Ors.

Mr. Anil Kumar Gupta
.....for the petitioners

1. Affidavit-of-service filed be kept with the record.
2. The writ application has been preferred challenging the order dated 7th October, 2025 passed by the Ld. Controlling Authority, Kolkata & Assistant Labour Comissioner (Central)-II.
3. It appears that the grounds on which the writ application has been preferred is a ground for appeal from the order of the Controlling Authority. The petitioners without preferring an appeal have approached the High Court on the grounds, which are grounds for appeal under Section 7(7) of the Payment of Gratuity Act, 1972.
4. Accordingly, the writ application is disposed of with liberty granted to the petitioners to prefer an appeal, as per the provision of the Act, against the impugned order challenged in the present case within 30 days from the date of this order.
5. The period of limitation is extended accordingly in the interest of justice as the petitioner has been pursuing his remedy before a wrong forum.

6. The impugned order under challenge being the order dated 7th October, 2025 be stayed for a period of 30 days subject to further orders by the appellate authority.

7. It is made clear that this Court has not gone into the merits of the case and in case no appeal is preferred as per leave granted, the order of stay shall stand vacated automatically after expiry of 30 days.

8. **Writ application stands disposed of.**

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

10. Interim order, if any, stands vacated.

11. 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]