

11.05.2026
Ct. No. 30
S.L. No.5
SM

WPA 10151 of 2026
Sail Growth Works
Versus
The Appellate Authority under the Payment of
Gratuity Act, 1972 & Dy. Chief Labour Comm.
(Central), Asansol And Anr.

Mr. Nirmalendu Ganguly
Mr. Ansunath Chakraborty
.....for the petitioner

- 1.** Affidavit-of-service filed be kept with the record.
- 2.** The writ application has been preferred being aggrieved by an intimation being Annexure P7 wherein the appellate authority has passed an order as follows.
“The Appeal has been filed beyond 120 days of receipt of Order of Controlling Authority (Order delivered via India Post on 29.08.2025). As per sub Section 7 of Section 7 of PG Act, 1972, the Appellate Authority has no jurisdiction to condone the delay beyond 120 days. Hence the Instant Appeal Petition is returned herewith.”
- 3.** It is the contention of the petitioner that the order of the Controlling Authority was passed on 25.08.2025 and the order was communicated to the petitioner on 29.08.2025. Certified copy was applied for and on receiving the certified copy, the petitioner has preferred an appeal before the authority concerned on 11.01.2026.

4. It is the case of the petitioner that the delay has been due to the time taken for obtaining the certified copy.
5. Considering the said facts, the appellate authority being the respondent no. 1 herein, shall hear the appeal on merit and dispose of the said appeal in accordance with law, within 30 days from the date of communication of this order.
6. The period of delay in preferring the appeal is hereby condoned as prima facie there is no delay.
7. **Writ application stands disposed of.**
8. Applications, if any, connected thereto stand disposed of consequently.
9. Interim order, if any, stands vacated.
10. 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]