

21.12.2023.
Court No.13
Item No. 262
ap

W.P.A. No. 23626 of 2023

**M/s. The Academy of Technology
Versus
The State of West Bengal & Ors.**

Mr. Soumya Majumder,
Mr. Sourav Chatterjee,
Ms. Mayuri Ghosh.

...For the petitioner.

Mr. Jayanta Samanta,
Mr. Raja Ram Banerjee.

...For the State.

1. The subject matter of the instant application is Case No. 183/G/2021 that has been remanded by the Joint Labour Commissioner, Chandernagore, Hooghly for consideration afresh by the Controlling Authority.
2. An application for transfer of the said gratuity case before another Controlling Authority has been rejected by the Joint Labour Commissioner, Chandernagore, Hooghly vide order dated 28th July, 2023.
3. The State has expressed that there are other Controlling Authorities of the same rank of Deputy Labour Commissioner, Chinsurah working thereat.
4. In those circumstances, let the aforesaid Gratuity Case No. 183/G/2021 be transferred to the other Deputy Labour Commissioner, Chinsurah than the one who had passed the original order condoning the delay in filing of the case.

5. The new Deputy Labour Commissioner, Chinsurah shall consider the case of the petitioner on merits. The issue of delay in filing an application for gratuity shall be deemed to have been conclusively decided without the need for reopening afresh.

6. With the aforesaid directions, the instant writ petition is allowed and disposed of.

7. There will be no order as to costs.

8. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)