

20.05.2026
Item no. 13
Court no. 30
g.b.
266012

WPA 10871 of 2026

Bharat Sanchar Nigam Ltd. & Anr.
Vs.
**The Ld. Controlling Authority, Kolkata & Assistant
Labour Commissioner (Central) - II & Ors.**

Mr. Anil Kr. Gupta
Mr. Yogesh Kr. Sharma
..... For the Petitioners

1. Affidavit of service filed be kept with the record.
2. The writ application has been preferred challenging an order dated 18.03.2026 passed by the Learned Deputy Chief Labour Commissioner (Central) at Kolkata, an Appellate Authority under the Payment of Gratuity Act.
3. Vide the impugned order, the authority concerned has held as follows:

“Provided further that no appeal by an employer shall be admitted unless at the time of preferring the appeal, the appellant either produces a certificate of the Controlling Authority to the effect that the appellant had deposited with him an amount equal to the amount of gratuity required to be deposited under sub-section (4), or deposits with the Appellate Authority such amount.

In the present appeal the appellant has filed the application before the Appellate Authority without complying the above provision. Hence, in view of the above provision, the Authority has no scope to entertain the application for exemption for filing the appeal without depositing the

Gratuity amount. Hence the appeal is rejected”.

4. Learned counsel for the petitioners submits that the petitioner herein is a Government of India Enterprise and as such prays for exemption to make the mandatory deposit while preferring an appeal.
5. Heard the learned counsel for the petitioner.
6. Considering the mandatory provision of law, **it is directed that on the petitioners furnishing a bank guarantee for the amount required to be deposited, the authority concerned shall admit the appeal and hear the same in accordance with law.**
7. The order dated 22nd September, 2025 passed by the Controlling Authority be stayed till the disposal of the appeal.
8. In case no bank guarantee is furnished within 30 days from the date of this order, the order of stay shall stand automatically vacated and the authority concerned shall be at liberty to proceed in accordance with law.
9. Urgent photostat certified copy of this order, if applied for, be supplied to the parties after completion of all necessary formalities.

(Shampa Dutt (Paul), J.)