

**Sanatan Mukherjee Vs. Eastern Coalfields Ltd. and ors.**

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**SooperKanoon Citation :** [sooperkanoon.com/1138439](http://sooperkanoon.com/1138439)

**Court :** Kolkata

**Decided On :** Apr-25-2014

**Judge :** Soumen Sen

**Appellant :** Sanatan Mukherjee

**Respondent :** Eastern Coalfields Ltd. and ors.

**Judgement :**

ORDER

SHEET WP No.329 of 2014 IN THE HIGH COURT AT CALCUTTA Constitutional Writ Jurisdiction ORIGINAL SIDE SANATAN MUKHERJEE Versus EASTERN COALFIELDS LTD.& ORS.BEFORE: The Hon'ble JUSTICE SOUMEN SEN Date : 25th April, 2014.

Appearance: Mr.Susanta Pal, Adv.Mr.Partha Basu, Adv.Mr.Nikhil Kumar Roy, Adv.The Court: In this writ application, the petitioner has prayed for payment of gratuity for his training period from 16th February, 1962 to 31st December, 1965.

It is not in dispute that the petitioner was a trainee during the aforesaid period.

The petitioner was successful before the controlling authority.

However, the Appellate Authority reversed the order holding that the payment of trainee could not be considered for payment of gratuity.

Against this order of the Appellate Authority, the petitioner has filed the present writ application.

On the last occasion, the petitioner had relied upon a decision of the Honble Division Bench presided over by the Honble the Chief Justice in the case of Sambhunath Chatterjee versus Eastern Coalfields LTD. reported in 2013(5) CHN(CAL) 89 and submitted that the Honble Division Bench held that the period of service as trainee is required to be taken into consideration for the purpose of determination of gratuity.

It appears that in Sambhunath Chatterjee (supra). similar question arose and the said issue was decided in favour of the employer.

The learned Counsel for the petitioner also draws my attention to an internal circular of Eastern Coal Fields LTD. dated 17th February, 2014 issued consequent upon the decision of the Honble Division Bench in Sambhunath Chatterjee (Supra) where directions have been given that all cases similar to Sambhunath Chatterjee (Supra) shall be disposed of on merits as expeditiously as possible.

In view of the aforesaid decision of the Appellate Authority is set aside.

The order of the Controlling Authority passed in January, 2010 is restored.

The respondent is directed to release the gratuity amount as determined by the Controlling Authority within a period of four weeks from the date of communication of this order.

The writ application stands succeed.

There shall be no order as to costs.

(SOUMEN SEN, J.) sp/

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