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06.12.2019
Court No.2
DC

CIRCUIT BENCH OF
CALCUTTA HIGH COURT
AT JALPAIGURI
APPELLATE SIDE

WPA 605 of 2019

Kanwar Prem Charak
Vs.
State of West Bengal & Ors.

Mr. Anirban Banerjee.... For petitioner

Mr. Bikramaditya Ghosh
Ms. Bedashruti Bose... for the State

This is an application filed under Article 226 of the Constitution of India wherein the writ petitioner is aggrieved by the inaction on the part of the State authorities in recovering the gratuity amount from the private respondents herein.

It is to be noted that the private respondents have not appeared in the proceedings inspite of service.

The factual aspect of the matter is that a Recovery Certificate has been issued on May 4, 2017 by the Controlling Authority under the Payment of Gratuity Act, 1972 and Assistant Labour Commissioner, Siliguri.

In the light of the above, the Certificate Officer under the Payment of payment of Gratuity Act, 1972,

Darjeeling, being the respondent No. 7 herein is directed to act in terms of the Certificate issued on May 4, 2017 and proceed in accordance with law expeditiously and complete the necessary proceedings preferably within a period of three months from date.

Since, no affidavit-in-opposition has been called for, the allegations made in the writ petition are deemed to have not been admitted by the respondents.

There will be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Shekhar B. Saraf, J.)