

21.01.2021
KC(5)

M.A.T. 92 of 2021
M/s. Delta Limited
-versus-
Kamal Krishna Bose and Ors.
With
CAN 1 of 2021
(Via Video Conference)

Mr. Abhrajit Mitra,
Ms. Amrita Pandey,
Ms. Anamika Pandey.....For the appellant.

Mr. Suvadip Bhattacharjee,
Mr. Balaram Patra.....For the respondent
no. 1.

Mr. Susovan Sengupta,
Mr. Bipin Ghosh.....For the respondent
nos. 2 to 4.

Admittedly the respondent/writ petitioner has received Rs. 3,15,324/- on account of gratuity from his employer, the appellant.

He makes a higher claim on that account which is denied by the appellant.

Mr. Mitra, learned senior advocate appearing for them submits that this amount was paid to the workman under a terms of settlement duly signed by the parties, in full settlement of the said respondent's gratuity dues.

Learned counsel for the respondent/writ petitioner submits that his client's claim on account of compound interest still survives.

As the point involved was very short we entertained the appeal itself dispensing with all formalities.

We are of the opinion that these questions regarding payment, settlement of gratuity dues under the terms of settlement, claim for compound interest etc. should be decided by the certificate officer and not by this court.

Hence, the writ was pre-mature.

After this order nothing would remain of the writ application (W.P.A. 11758 of 2020).

The appeal (M.A.T. 92 of 2021), the connected application (CAN 1 of 2021) and the writ application (W.P.A. 11758 of 2020) are disposed of by directing the certificate officer to go into the above questions after giving a hearing to the parties and pass a reasoned order within six weeks from the date of communication thereof.

The impugned order dated 18th January, 2021 is set aside.

(I.P. MUKERJI, J.)

(MD. NIZAMUDDIN, J.)

