

WPA No. 18459 of 2019

Mr. Senjuti Sengupta ...for the Petitioner

Mr. Rajshree Kajaria ...for the respondent no.3

Mr. Susanta Pal
Mr. Sujata Ghosh ...for the State

The grievance of the petitioner is directed against the non-payment of the petitioner's dues on account of gratuity. The petitioner is primarily aggrieved with the pendency of the certificate proceedings (Certificate Case No.06 MISC/WC/HOW of 2018-19) in pursuance of the Certificate dated June 13, 2018 pending with the respondent no.2. The petitioner complains of inaction on the part of the respondent no.2 Certificate Officer.

The petitioner alleges that deliberate and intentional inaction on the part of the respondent no.2 in taking any steps for recovery of his gratuity dues notwithstanding the issuance of the Certificate dated June 13, 2018.

The matter had been heard on several occasions and orders have been passed from time to time.

It is submitted on behalf of the respondent authorities that the respondent no.3 has finally entered into a settlement and has deposited post-dated cheques with the Certificate Officer. Pursuant to such settlement, the petitioner has also encashed one of the cheques and is in possession of the remaining cheques.

In view of the fact that the present grievance of the petitioner has been addressed, I am of the view that no useful purpose would be served in keeping this writ petition alive. WPA No.18459 of 2019 is disposed of in view of the action which has been taken by the respondent authorities and the subsequent settlement between the parties.

I am compelled to note that it is a matter of some concern that such certificate proceedings are pending before the respondent no.2 for years. During the hearing of this petition, pursuant to directions of this Court, the Certificate Officer had filed an affidavit affirmed on 16th March, 2021 trying to explain the steps which have been taken by his office for recovery of the dues of the petitioner since 17th September, 2018. It appears from the said affidavit that repeated office bearers of the respondent no.2 have mechanically issued notices and directions without taking any effective steps for recovery of the dues of the petitioner. The conduct of the Certificate Officer and his predecessors leaves much to be desired. The dues which the petitioner seeks are on account of gratuity to which he is lawfully entitled. Such proceedings should be effectively and expeditiously disposed off.

I make it clear that in case of default of anyone of the installments by the respondent no.3, liberty is granted to the petitioner and the respondent no.2 to take appropriate and expeditious steps in accordance with law.

The respondents are directed to pay Aloka Das who is the substituted petitioner in WPA No. 18459 of 2019.

(Ravi Krishan Kapur,J)