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jdt.

21.03.2022
jb.

W.P.A. 2152 of 2022
(Smt. Lalti Debi vs. State of West Bengal & Ors.)

Mr. Bikash Shaw
... For the Petitioner

Mr. Biswabrata Basumallick
Mr. Sayan Ganguly
... For the State

Mr. Bipin Ghosh
... For the Respondent No. 3

Mr. Praven Sharma
... For the Respondent No. 5

Affidavit-of-service filed on behalf of
the petitioner is taken on record.

The grievance of the petitioner is non-
payment of gratuity due to the employee who
is the deceased husband of the petitioner.
The petitioner's husband late Kamala Shaw was
an employee under the 5th respondent since 22nd
October, 1975 and died in harness on 3rd
August, 2008 leaving behind the petitioner as
his sole legal heir. The petitioner being the
widow of the employee applied before the

employer for payment of gratuity due to the employee but to no effect. The petitioner submitted an application in Form J before the employer which was not heeded to, for which the petitioner filed an application in Form N before the Controlling Authority. Gratuity case No. 26/G/2014 was initiated and by an order dated 9th November, 2016 the 2nd respondent allowed the prayer of the petitioner and directed the 5th respondent to pay Rs.1,92,219/- to the petitioner as gratuity along with statutory interest thereon. Despite service of notice upon the 5th respondent the order of the Controlling Authority was not complied with for which the Controlling Authority issued a certificate under Section 8 of the Payment of Gratuity Act, 1972 in favour of the petitioner against the 5th respondent.

Learned counsel for the petitioner submits that such certificate case is still pending.

The petitioner prays for direction upon the Authority to dispose of the Certificate Case at the earliest.

It is submitted on behalf of the 5th respondent that a talk of settlement is going on between the petitioner and the 5th respondent, such submission being denied by the petitioner.

Upon consideration of the submissions made on behalf of the parties, this Court is of the view that the 3rd respondent should be directed to dispose of the Certificate Case pending before him within a stipulated time frame.

Accordingly, the writ petition is disposed of directing the 3rd respondent to dispose of the Certificate Case pending before him within one month from the date of communication of this order after affording reasonable opportunity of hearing to all the interested parties including the petitioner and the 5th respondent, in accordance with law. The decision taken by the Authority shall be communicated to the petitioner within one week thereafter.

With the aforesaid observations and directions W.P.A. 2152 of 2022 is disposed of.

There shall be no order as to costs.

Since no affidavit has been invited, allegations contained in the writ petition shall be deemed not to have been admitted.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)