

60
24.08.2022
Ct. No.10
b.das

W.P.A. 3438 of 2020

Ansar Khan
Vs.
State of W.B. & Ors.

Ms. Senjuti Sengupta
Mr. R. Guha Thakurta
Ms. D. Roy ...for the petitioner.

Mr. Susovan Sengupta
Mr. Bipin Ghosh ...for the State.

Mr. Soumya Majumder
Ms. Amrita Pandey
Mr. G. Pandey
Ms. S. Singhfor the respondent No.4.

Heard learned counsels for the parties.

On prayer of the petitioner liberty is granted to implead the Certificate Officer, Howrah as respondent No.5 in the writ petition. The cause title of the writ petition be amended accordingly.

It is submitted on behalf of the petitioner that the petitioner has received the entire gratuity amount along with simple interest thereon, in compliance with the order of this Court passed on 14th January, 2021. The only issue which remains to be adjudicated upon is computation of compound interest on the principal amount.

Learned counsel for the petitioner prays for a direction upon the Certificate Officer to compute compound

interest payable to the petitioner and dispose of the certificate case in accordance with law.

It is submitted on behalf of the 4th respondent that in terms of the proviso to Section 8 of the Payment of Gratuity Act, 1972, the amount of interest payable under this section shall in no case exceed the amount of gratuity payable under the Act.

Learned counsel appear for the State respondents submits that the Certificate Officer may be directed to deal with the matter in accordance with law.

In view of the above, the writ petition is disposed of directing the Certificate Officer, being the 5th respondent herein, to compute the amount of compound interest, if any, payable to the petitioner in terms of the proviso laid down in Section 8 of the Payment of Gratuity Act, 1972 and dispose of the certificate case 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 4th respondent, in accordance with law.

The decision taken by the authority shall be communicated to the parties within one week thereof.

It is made clear that this Court has not gone into the merits of the case and the parties shall be at liberty to place their respective contentions before the Certificate Officer at the time of hearing.

With the aforesaid observations and directions, WPA 3438 of 2020 is disposed of.

However, there shall be no order as to costs.

Since no affidavit is invited, the allegations contained in the petition are deemed not to be admitted.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)