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jdt.

17.08.2022
jb.

W.P.A. 4852 of 2022
(Amiya Naskar vs. State of West Bengal & Ors.)

Mr. Raneneesh Guhathakurta
.... For the Petitioner

Mr. Bipin Ghosh
.... For the Respondent No. 4

Mr. Soumitra Bandyopadhyay
Mr. R. C. Guchhait
.... For the State

None appears for the 5th respondent.

The petitioner prays for disposal of the certificate proceeding pending before the 4th respondent.

The petitioner was superannuated from service under the 5th respondent on 1st January, 2009 but was not paid the gratuity due to him for which he filed an application before the 2nd respondent which was registered as Gratuity Case No. G-69/18 and was disposed of 5th October, 2021 directing the 5th respondent to pay Rs.2,65,914 towards gratuity together with interest thereon. Due to non compliance of the said order by the 5th respondent, an application under Section 8 of the Payment of Gratuity Act, 1972 was filed before the 2nd respondent who issued certificate under Section 8 of the Act of 1972 on

December 17, 2021 and forwarded the same to the 4th respondent for recovery.

The petitioner prays for a direction upon the 4th respondent to take necessary steps for recovery of the said amount in accordance with law.

The report submitted by the 4th respondent demonstrates that the Senior Manager of M/s Delta Limited appeared before the authority and submitted an undertaking to pay the gratuity amount by 17/18th August, 2022.

Be that as it may, as the gratuity due has not been paid by the 5th respondent till date, the 4th respondent be directed to cause recovery of the said amount within two months from the date of communication of this order, in accordance with law.

Accordingly, the writ petition is disposed of directing the 4th respondent to take necessary steps for recovery of the gratuity due to the petitioner along with interest thereon from the 5th respondent within a period of two months from the date of communication of this order, in accordance with law.

W.P.A. 4852 of 2022 is thus 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.)