

March 22, 2022
ARDR
(243)

WPA 4856 of 2022

Ajmir Mollah
Vs.
The State of West Bengal & Ors.

Ms. Senjuti Sengupta,
Mr. R. Guha Thakurata
...for the petitioner.
Mr. Chandi Charan De,
Mr. Debasish Chattopadhyay,
...for the State.

Affidavit of service filed by the petitioner is taken on record. None appears for the private respondent despite service.

The contention of the petitioner is that he was an employee under the 5th respondent and resigned from service on August 16, 2012. No gratuity was paid to the petitioner despite several requests for which the petitioner ultimately approached the Controlling Authority by an application which was registered as Gratuity Case no.G-62/18. Gratuity Case was disposed of by the 2nd respondent by an order dated July 9, 2021 directing the 5th respondent to pay a sum of Rs.4,45,019/- along with interest thereon to the petitioner. Such order not being complied with by the 5th respondent despite service of notice, a Certificate under Section 8 of the Payment of Gratuity Act, 1972 was issued on December 17, 2021. The petitioner has

prayed for a direction upon the Certificate Officer for disposing of the Certificate Case at the earliest.

Having considered the submissions made by the parties, the writ petition is disposed of directing the 4th respondent to consider and dispose of the Certificate Case pending before him within two months from the date of communication of this order after giving reasonable opportunity of hearing to all the interested parties including the petitioner, in accordance with law. The decision taken by the authority shall be communicated to the petitioner within a week thereof.

With the aforesaid directions, WPA 4856 of 2022 is disposed of. There shall however, 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.)