

05.04.2022
rc/ct.no.10
Item No.312

WPA No. 4858 of 2022
Jamaluddin Khan
Vs.
The State of West Bengal & Ors.

Mr. Rananeeesh Guha Thakurta
Mrs. Senjuti Sengupta ...for the petitioners

Mr. S. Bandyopadhyay
Mr. Arka Nag ...for the State

It is contended by the learned counsel appearing on behalf of the petitioner that the petitioner was an employee under the respondent no. 5 and superannuated on February 06, 2009. The petitioner was denied his gratuity by the employer despite several requests for which the petitioner submitted an application in Form N before the Controlling Authority, being the 2nd respondent herein, which was registered as Case No. G-84/18 and was disposed of by an order dated July 09, 2021 directing the 5th respondent to pay Rs.3,15,355/- to the petitioner towards gratuity together with interest thereon. Due to non-compliance of the said order by the 5th respondent, a certificate under Section 8 of the Payment of Act, 1972 was issued on December 17, 2021 and sent to the respondent no. 4 for recovery. The petitioner submits that the certificate case is pending before the authority and prays for a direction upon the authority to dispose of the case at the earliest.

Learned counsel appearing on behalf of the State-respondents submits that the certificate case has been

taken up for consideration and date of hearing has been fixed on April 06, 2022.

Upon consideration of the submission being made by the learned counsels appearing on behalf of the parties, the writ petition is disposed of directing the 4th respondent to consider and dispose of the certificate case with regard to gratuity due to the petitioner, along with interest thereon, 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 above observations and directions this writ petition being WPA No. 4858 of 2022 is disposed of.

There shall be, however, 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 furnished to the parties upon compliance of necessary formalities.

(Suvra Ghosh,J)