

27.04.2022
Item No.347
srm

W.P.A. No. 5617 of 2022

**Dudhnath Giri
Versus
The State of West Bengal & Ors.**

Mr. Uddipan Banerjee

...for the Petitioner.

Affidavit of service filed by the petitioner is taken on record.

None appears for the respondents despite service.

Mr. Debjit Mukherjee, who usually appears for the State-respondents and is present in Court today, is requested to represent the State in this matter. His appointment be regularised by the office of the learned Legal Remembrancer. The petitioner should serve a copy of the writ petition along with all annexures thereto to Mr. Mukherjee in course of the day.

The petitioner alleges non-payment of gratuity due to him. The petitioner retired from his employment under the 4th respondent on 1st July, 2004 and upon non-receipt of gratuity due to him from the employer, the petitioner filed an application in Form-N for payment of such amount before the 2nd respondent, which was registered as Gratuity Case No.G-46/16. Upon hearing both the parties, the gratuity

case was disposed of by the 2nd respondent directing the 4th respondent to pay a sum of Rs.1,76,418/- to the petitioner within 30 days from the date of receipt of notice in Form-R.

The petitioner submits that despite receipt of the said notice, 4th respondent took no steps for payment of the said amount for which an application in Form-T as per provision of Rule 19 of the West Bengal Payment of Gratuity Rules, 1973 was filed. Upon receipt of such application, the 2nd respondent issued requisition for certificate to the 3rd respondent on 20th April, 2021 for recovery of the amount from the 4th respondent. But no step has been taken by the said respondent for recovery of such amount.

The petitioner prays for direction upon the 3rd respondent to take expeditious steps for recovery of the amount due along with interest thereon.

Upon consideration of the submissions made on behalf of the parties and material on record, the writ petition being WPA 5617 of 2022 is disposed of directing the 3rd respondent to take expeditious steps for recovery of the due amount along with interest thereon from the 4th respondent within three months from the date of communication of this order, in accordance with law.

However, there shall be no order as to costs.

Since no affidavit is invited, the allegations contained in the writ 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.)