

AD. 136.  
April 5, 2022.  
MNS.

WPA No. 20996 of 2021

Amitabha Kar  
Vs.  
The State of West Bengal and others

Mr. Jayanta Narayan Chatterjee,  
Mr. Debashis Banerjee,  
Mr. Supreem Naskar,  
Ms. Sreeparna Ghosh

...for the petitioner.

Mr. Tapas Kumar Adhikary  
Ms. Susmita Biswas

...for the State.

Affidavit-of-service filed in Court today be kept  
on record.

Learned counsel for the petitioner contends  
that although previous Notifications in respect of  
increase in gratuity have been applied to the  
employees of the West Bengal Milk Federation,  
Kolkata, of which the petitioner was an employee  
before and retired from service on December 31,  
2020, the Notification dated March 29, 2018 to the  
effect that the ceiling limit of gratuity was enhanced  
to Rs.20,00,000/- (Rupees twenty lakh) only has not  
yet been applied to the said Federation.

It is submitted, by placing reliance on  
Annexure – P/5 at page 36 of the writ petition, that on  
February 26, 2020, a note was issued by the

Manager (Finance) for the purpose of consideration of the application of such provision to the West Bengal Milk Federation, Kolkata.

Learned counsel also places reliance on the communication to the Government of West Bengal Animal Resources Development Department, Milk Branch, by the OSD in the rank of Joint Secretary to the Government of West Bengal, which is annexed at page 37 (Annexure-p/6) of the writ petition, wherein a request was put to the said authority to place the matter in the Board meeting and submit proposal to the department for onward submission to Finance Department for concurrence. However, till date such approval has not come from the concerned authority, that is the Department of Finance, State of West Bengal.

Learned counsel for the State-respondent submits that counsel does not have instruction regarding any copy of the representations of the petitioner on such score being ever received by the said Department.

Be that as it may, since precedent has been set on previous occasions by implementing the gratuity increment Notifications of the Government to the employees of the West Bengal Co-operative Milk Producers' Federation Limited, as evident from the materials on record, there is no reason why the same should not be followed in the present case by

extending the Notification dated March 29, 2018 to the employees of the said Federation so that the petitioner also gains entitlement to get such enhanced amount of gratuity up to the upper limit of Rs.20,00,000/- (Rupees twenty lakh) only, as the petitioner retired from service on December 31, 2020, that is, after the Notification being published.

Accordingly, WPA No. 20996 of 2021 is disposed of by directing the respondent no. 1 to ensure that the Notification-in-question, bearing Notification S.O. 1420(E) dated March 29, 2018 published in the Official Gazette dated March 29, 2018, is approved for the purpose of being made applicable to the employees of respondent no. 3, that is, the West Bengal Co-operative Milk Producers' Federation Limited. The process of approval shall be completed as expeditiously as possible by the respondent no.1, preferably within May 15, 2022.

There will be no order as to costs.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)