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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 9417 of 2022

Ful Kumari Devi
Vs.
The State of West Bengal & Ors.

Mr. Rananeesh Guha Thakurta
Ms. Senjuti Sengupta
... For the petitioner

Mr. Ravi Kumar Dubey
... For the respondent no.5

Despite service of notice on the office of the learned Government Pleader, none is present on behalf of the State respondents. Let the notice dated 10th January, 2023 be retained with the record.

The present writ application has been filed, inter alia, praying for a direction upon the respondent no.3 to execute the certificate dated 11th February, 2022.

Mr. Guha Thakurta, learned advocate representing the petitioner submits that the petitioner's husband, Mohit Lal Yadav, having died in course of his employment on 29th November, 2014, an application in Form – J was filed by the petitioner on 12th February, 2016, before the respondent no.5 for release of the gratuity due and payable to the deceased Mohit Lal Yadav. Since the respondent no.5 did not take any steps, an application in Form – N was filed on 16th March, 2016. He submits that

the Controlling Authority on contested hearing, by determining the gratuity payable, *inter alia*, was pleased to issue a notice in Form – R on 12th April, 2021 calling upon the respondent no.5 to make payment of a sum of Rs.5,17,276/- to the petitioner. Since the respondent no.5, did not take any steps for making payment of the aforesaid sum, at the instance of the petitioner, the Controlling Authority had issued a certificate and transmitted the same to the respondent no.3. By drawing attention of this Court to page 25 of the writ application, it is submitted that the Certificate Officer instead of executing the certificate had transmitted the said certificate to the office of the Certificate Officer, North 24 – Parganas, as according to the respondent no.3 the address of the Certificate Debtor is not within the administrative jurisdiction of the respondent no.3.

The petitioner has subsequently come to learn that the respondent no.4 had subsequently returned the certificate to the respondent no.3 for execution. The petitioner says that the petitioner is being made to run from pillar to post. In the backdrop as aforesaid he prays that an appropriate order be issued for execution of the certificate.

Mr. Dubey, learned advocate representing the respondent no.5 submits that he has already raised an objection before the Certificate Officer. He, however, does

not question the jurisdiction of the respondent no.3 to consider the executability of the certificate forwarded by the Controlling Authority under the Payment of Gratuity Act, 1972.

Having heard the submissions made by the learned advocates appearing for the respective parties and considering the materials on record, I find that pursuant to the directions passed by this Court, the respondent no.3 has filed an affidavit. In such affidavit, the Certificate Officer, being the respondent no.3, has claimed that subsequent to receipt of the certificate, forming subject matter of the present writ application, a notice under Section 7 of the Bengal Public Demand Recovery Act, 1913 (hereinafter referred to as the “said Act”) has been issued. It has also been stated that an objection has been received by the respondent no.3 from the respondent 5 in connection with the execution of the aforesaid certificate. It is thus clear from the aforesaid affidavit that the respondent no.3, has already proceeded with the execution of the certificate by issuing a notice under Section 7 of the said Act.

Since the respondent no.3 has already proceeded with the matter, I am of the view that no fruitful purpose will be served in keeping this application pending. Since, steps have already been taken, it would only be appropriate to direct the Certificate Officer being the

respondent no.3 to expeditiously dispose of the Certificate Case, being No.21/Misc./22, preferably within a period of six months from date, without granting any unnecessary adjournment to either of the parties.

Needless to mention that the Certificate Officer shall taken into consideration the objection, if any, raised by the respondent no.5, and shall dispose of the same in accordance with law.

The writ application, being WPA 9417 of 2022 is disposed of.

There shall, however, be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of necessary formalities.

(Raja Basu Chowdhury, J.)