

17.08.2023.
Item No.177
Court No.550
Saswata

W.P.A. 12526 of 2022

**Ananta Kumar Paul
Versus
State of West Bengal & Ors.**

Mr. Bikash Shaw

... For the petitioner

1. Today, at the time of call none appears for the respondents.
2. The present writ application has been filed, inter alia, praying for direction upon the respondent no. 3 to forthwith initiate recovery proceeding and to execute the certificate issued under Section 8 of the Payment of Gratuity Act, 1972 (hereinafter referred to as the “said Act”).
3. Mr. Shaw, learned advocate appearing in support of the aforesaid application, submits that the petitioner was employed with the respondent no. 5. He has since retired from service on 31st July, 2013. Subsequent to his retirement, the petitioner applied in Form-“ I” before the respondent no. 5 for release of his gratuity. Since, the respondent no. 5 did not take steps in this regard the petitioner was compelled to file an application before the Controlling Authority in Form-“N”.
4. By order dated 30th December, 2016, the aforesaid proceeding was disposed of by the Controlling Authority by directing the respondent no. 5 to make payment of a sum of Rs.1,91,200/- along with interest thereon.
5. Today at the time of hearing, Mr. Shaw submits that the petitioner has since received a sum of Rs. 1,91,200/-

through the Certificate Officer towards payment of the principal sum of gratuity. He submits that the petitioner is yet to receive the interest.

6. It appears from the record that pursuant to the direction issued by this Court, the respondent no. 3 has already filed a report. The said report, however, only confirms the steps taken by the respondent no. 3 in execution of the aforesaid certificate. Although, by order dated 22nd November, 2022, this Court directed the respondent no. 3 to file a comprehensive report, no such report is on record.
7. Having regard to the submission and having considered the materials on record, I am of the view that no fruitful purpose will be served by keeping the writ application pending.
8. Admittedly, the certificate issued under Section 8 of the said Act demonstrate that the same has been issued for realization of a sum of Rs. 1,91,200/- together with an interest at the rate of 10 per cent per annum till 30th December, 2016, and compound interest at the rate of 15 per cent thereafter, as notified by the Central Government in its Notification No. SO.1032(E) dated 1st December, 1987, till the date it is released, as per Section 8 of the said Act, from the employer.
9. Having regard to the aforesaid I am of the view that this writ application can be and is accordingly disposed of by directing the respondent no. 3 to execute the aforesaid certificate issued on 29th January, 2021, under Section 8 of the said Act, copy whereof has been annexed as

Annexure-P7 of the present writ application, in accordance with law, as expeditiously as possible within a period of six months from the date of communication of this order.

10. With the above observation and direction, the writ application being WPA 12526 of 2022 is ***disposed of***.

11. Urgent Photostat certified copy of this order if applied for, be given to the parties on priority basis upon completion of requisite formalities.

(Raja Basu Chowdhury, J.)