

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 19846 of 2023

Toufik Halder @ Toufick Halder
Vs.
The State of West Bengal & Ors.

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

Mr. Priyankar Saha
Mr. Debangshu Dinda
... For the State.

Ms. Amrita Pandey
Ms. Anamika Pandey
Mr. Ghanashyam Pandey
Ms. Sneha Singh
Ms. Bipasha Jaiswal
... For the respondent no.5.

1. The present application has been filed *inter alia* praying for a direction upon the respondent no.4 to execute the certificate dated 28th October, 2022.
2. The petitioner claims to be an ex-employee of the respondent no.5, who was superannuated on 1st January, 2008.
3. Since the gratuity was not disbursed in his favour, he had applied before the Controlling Authority under the Payment of Gratuity Act, 1972 (hereinafter referred to as the “said Act”), whereupon the Controlling Authority was, *inter alia*, pleased to determine the gratuity payable to the petitioner to the extent of Rs.2,93,828/-.

4. A notice in Form 'R' dated 3rd June, 2022, was also issued calling upon the respondent no.5 to make payment of the aforesaid amount of gratuity.

5. Since, despite receipt of the aforesaid notice in Form 'R', the respondent no.5 did not disburse the gratuity, the petitioner had initiated a proceedings under Section 8 of the said Act, whereupon the Controlling Authority was pleased to issue a certificate and remit the same to the respondent no.4, being the Certificate Officer, for execution.

6. Records reveal that the aforesaid certificate was remitted to the office of the respondent no.4 by a covering letter dated 28th October, 2022.

7. The petitioner seeks execution of the aforesaid certificate.

8. Although, Mr. Guha Thakurta, learned advocate representing the petitioner has attempted to impress upon this Court that no step has been taken by the Certificate Officer for execution of the certificate, however, it would appear from the documents placed before this Court by Mr. Dinda, learned advocate representing the State authorities, that the Certificate Officer has already taken steps for execution of the said certificate. In fact, on 31st August, 2023, a notice to show-cause why a warrant of arrest should not be issued in Form No. 30 has already

been issued by the Certificate Officer.

9. Having regard to the aforesaid and taking into consideration the fact that steps have already been taken by the Certificate Officer to execute the aforesaid certificate, I am of the view that this matter does not warrant interference at this stage.

10. The writ application, being WPA 19846 of 2023 is accordingly disposed of.

11. The documents placed before this Court by the learned advocate representing the State is retained with the records.

12. Since no affidavit-in-opposition has been called for, allegations contained in the writ application are deemed not to have been admitted by the respondents.

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

(Raja Basu Chowdhury, J.)