

14-12-2023
ct no. 13
Sl. 171
sp

WPA 20785 of 2023

Sanjib Krishna Paul
-Versus-

The Assistant Labour Commissioner & Controlling
Authority under Payment of Gratuity Act, 1972 & Ors.

Mr. Pinaki Ranjan Chakraborty
..for the petitioner

Mr. Devajyoti Barman,
Ms. Sanjukta Basu Mallick
...for the respondent FCI

1. The petitioner seeks a direction on the authorities under the Payment of Gratuity Act, 1972 for release of gratuity amount lying deposited with them by the employer FCI.
2. It appears that the controlling authority found favour with the workman in its order dated November 18, 2021 and the same has been confirmed in appeal by the appellate authority in Appeal No. PG.02/2022-E dated February 27, 2023.
3. A writ petition being WPA 19487 of 2023 has been filed by the management FCI challenging the order of the two statutory authorities under the Act of 1972 (supra). The said writ petition was dismissed by a

Co-ordinate bench in its impugned order dated September 12, 2023.

4. The employer FCI submits that MAT 2416 of 2023 is pending before a Division Bench of this Court against the order of the Single Bench.
5. It is now well-settled that mere filing of an appeal will not amount to a stay much less any restraint on payment of gratuity whose right has been upheld by the first and appellate authorities.
6. In that view of the matter, this Court directs the controlling authority to release and pay the gratuity amounts to the petitioner after a period of 5 weeks from date, subject to any order that may be passed by the Division Bench in MAT 2416 of 2023.
7. With the aforesaid observations, the instant writ petition shall stand disposed of.
8. There shall be no order as to costs.
9. Urgent photostat certified copy of this judgment, if applied for, be given to the parties upon compliance of all formalities.

(Rajasekhar Mantha, J.)