

ML 58
06.09.2023
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Ct 550

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 21147of 2023

Mahasin Khan
Vs.
The State of West Bengal & Ors.

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

Ms. Rupsha chakraborty
... For the State.

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

1. The present writ application has been filed *inter alia* complaining inaction on the part of the respondent no.4, being the Certificate Officer, in executing the certificate issued under Section 8 of the Payment of Gratuity Act, 1972 (hereinafter referred to as the “said Act”).
2. Ms. Chakraborty, learned advocate representing the State respondents, on instruction, submits that steps have been taken for execution of the certificate. The next date for hearing is fixed on 8th September, 2023.
3. Ms. Pandey enters appearance on behalf of the respondent no.5. She denies and disputes the allegations made in the writ application.
4. Heard learned advocates appearing for the respective parties and considered the materials on record.

5. Records reveal that since the petitioner was not disbursed his gratuity, the petitioner had filed an application in Form 'N' before the Controlling Authority under the said Act whereupon the Controlling Authority by an order dated 3rd June, 2022 was *inter alia* pleased to determine a sum of Rs.3,47,437/- due and payable to the petitioner and consequent thereupon by a letter of even date had called upon the respondent no.5 to make payment of the said sum. Since, according to the petitioner, the aforesaid amount was not disbursed a proceeding was initiated under Section 8 of the said Act and the Controlling Authority appears to have been issued a certificate under Section 8 of the said Act and had remitted the same to the respondent no.4 by a cover letter dated 9th November, 2022 for execution.

6. From the submissions made by the learned advocate representing the State respondents and the documents relied on, which are taken on record, it would be apparent that steps have been taken by the Certificate Officer for execution of the certificate. Further taking into consideration that the next date fixed for hearing is on 8th September, 2023, I am of the view, that no interference at this stage is called for.

7. In view thereof, the writ application stands disposed of.

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

9. Since no affidavit-in-opposition has been called for

the allegation contained in the writ application is deemed not to have been admitted by the respondents.

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

(Raja Basu Chowdhury, J.)