

**In the High Court at Calcutta
Circuit Bench at Jalpaiguri
Constitutional Writ Jurisdiction
Appellate Side**

WPA 1161 of 2023

**Swapan Kumar Sanyal and Ors.
-versus-
The State of West Bengal and Ors.**

Mr. Kamal Krishna Banerjee
Mr. Bhaskar Roy Mahashaya
Mr. Satyaki Basu
Mr. Purbayan Chakraborty

... for the petitioners.

Mr. Bikramaditya Ghosh
Mr. Pretom Das

... for the State.

Counsel for the respective parties are present.

The petitioners being the workers under the respondent no.4 have made a claim for grant of gratuity and accordingly, the Controlling Authority under the Payment of Gratuity Act, 1972 had issued certificates in the name of the petitioners separately assessing the entitlement of gratuity of the petitioners from the respondent no.4. In spite of issuance of certificates, the respondent no.2 has not taken any steps for recovery of the said amount so that the petitioners can get the benefit of gratuity as assessed by the Controlling Authority.

Counsel for the petitioners submits that after issuance of the certificates by the Controlling Authority, the petitioners have made several representations to the respondent authorities for recovery of gratuity in terms of the certificates

issued by the Controlling Authority. Counsel for the petitioners submits that the petitioners will be satisfied if a direction be given to the respondent no.2 for taking appropriate steps for recovery of the gratuity of the petitioners as assessed by the Controlling Authority from the respondent no.4.

In view of the submission made by the counsel for the petitioners, the respondent no.2 is directed to take appropriate steps for recovery of the gratuity of the petitioners in terms of the certificates issued by the Controlling Authority, if already not taken, by giving an opportunity of hearing to the petitioners, within a period of six weeks from the date of communication of this order.

WPA No. 1161 of 2023 is thus disposed of.

Affidavit-of-service filed by the petitioner be kept with the record.

Counsel for the petitioners is given liberty to correct the numbers of the respondent in prayer (i) of the writ application as respondent no.2 instead of respondent no.3.

(Krishna Rao, J.)