

19.04.2024
Item No.1
Ct. No.238
S.A.

WPA 2009 of 2016

Swapan Banerjee
-vs-
The State of West Bengal & Ors.

Mr. Bikash Show
Mr. Sk. S. N. Islam
...for the petitioner
Ms. Bipasha Jaiswal
...for the respondent no.4

Let the affidavit-in-opposition filed on behalf of respondent no.4 be kept on record.

The petitioner is a retired employee of Murlidhar Ratanlal Exports Limited, Hooghly, respondent no.4. He obtained an order dated November 20, 2014 from the Controlling Authority, Hooghly under the Payment of Gratuity Act, 1972 directing respondent no.4 to pay gratuity in terms of Section 7(3)(4) of the said Act of 1972 to the tune of Rs.41,260/- along with statutory interest @ 10% per annum with effect from December 10, 2004.

Learned advocate appearing for the petitioner submits that no appeal was preferred against the said order passed by the Controlling Authority and consequently a certificate dated April 16, 2015 was issued by the said Controlling Authority.

Thereafter, Certificate Case No.45/Cert/14-15 was initiated by the Certificate Officer, Hooghly for

execution. It is the grievance of the petitioner that till date the said certificate case has not been disposed of.

Learned advocate appearing for the petitioner submits that only due to the pendency of this writ petition, the Certificate Officer did not proceed with the case. He prays for a direction upon the Certificate Officer for expeditious disposal of the case.

Learned advocate appearing for the respondent no.4 submits that a sum of Rs.63,206 had already been paid to the petitioner towards gratuity amount. Such contention has been denied by the learned advocate appearing for the petitioner. It is the case of the petitioner that in reality no cheque was ever issued to the petitioner. Only a receipt was obtained from the petitioner without any payment made by the cheque. No money has ever been paid to the petitioner towards the gratuity amount.

I am of the view that since the order passed by the Controlling Authority has not been appealed against, respondent no.4 cannot decline to make payment in terms of the order of the Controlling Authority.

Accordingly, **WPA 2009 of 2016** is disposed of with a direction upon the Certificate Officer, Hooghly to conclude the proceedings being Certificate Case No.45/cert/14-15 as early as possible preferably

within a period of six months from the date of communication of this order.

(Kausik Chanda, J.)