

03.04.2024
Sl. No. 10.
D/L.
Mithun
Ct.No.23.

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

WPA 7885 of 2024

**Sri Swapan Biswas
Vs.
The State of West Bengal & Ors.**

Mr. Bikash Shaw, Sk. S.N.Islam	..for the petitioner.
Mr. Ayan Ray	...for respondent No.1.
Ms. Anamika Pandey, Ms. Amrita Pandey	...for respondent no.4.
Mr. Anirban Datta	...for the State.

Affidavit of service filed on Court today is taken on record.

The workman/employee is the writ petitioner. It is the case of the writ petitioner that he was appointed in respondent No.4(employer) on 13th August, 1973 with service No.L.B. No.L-6825. The petitioner reached his age of superannuation on 1st July, 2012 after providing about 37 years of continuous service to the respondent No.4. The last drawn amount of wages of the petitioner was Rs.298.21 per day. According to the petitioner, the petitioner became entitled to

receive a sum of Rs.1,65,506/- on account of gratuity under the Payment of Gratuity Act, 1972 (hereinafter referred to as the '1972 Act') on his superannuation. Since the employer did not pay, the petitioner approached the Controlling Authority. The Controlling Authority passed an order on 6th August, 2018. Despite such order, no payment as directed was made by the employer (respondent No.4). The petitioner, therefore, was compelled to initiate certificate proceedings. A certificate was issued on 18th August, 2021 amounting to Rs. 2,65,713. The Certificate Case is still now pending before the Certificate Officer, Chandernagar, Hooghly. The respondent No.4 says that on or about 14th August, 2018 it had preferred a review against the order of the Controlling Authority dated 6th August, 2018. The review is still pending. In the aforesaid facts and circumstances, the Controlling Authority is directed to dispose of the review filed by the respondent No.4 for reviewing the order dated 6th August, 2018 passed in Case No.106/G/2017 as expeditiously as possible but not beyond three months from the date of communication of a server copy of this order. Immediately after disposal of the review the Certificate case should be proceeded with depending on the result of the review.

The Controlling Authority shall also while deciding the review shall consider the maintainability of the review petition. The Controlling Authority shall immediately upon the order in the review being passed shall communicate the same to the parties as also to the Certificate Officer.

The writ petition is accordingly disposed of.

Urgent Photostat copy of this order if applied for be supplied for the parties subject to compliance with all requisite formalities.

(Arindam Mukherjee, J.)