

03.04.2024
Sl. No. 11.
D/L.
Mithun
Ct.No.23.

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

WPA 7917 of 2024

**Sri Bechu Ram Das
Vs.
The State of West Bengal & Ors.**

Mr. Bikash Shaw, Sk. S.N.Islam	..for the petitioner.
Ms. Anamika Pandey, Ms. Amrita Pandey	...for respondent no.4.
Sk. Md. Masud	...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.5(employer) on 27th May, 1979 with service No.L.B. No.N09056. The petitioner reached his age of superannuation on 1st July, 2018 after providing about 39 years of continuous service to the respondent No.5. The last drawn amount of wages of the petitioner was Rs.478.20 per day. According to the petitioner, the petitioner became entitled to receive a sum of 2,79,747/- 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 18th November, 2021. Despite such order, no payment as directed was made by the employer (respondent No.5). The petitioner, therefore, was compelled to initiate certificate proceedings. A certificate was issued on 27th July, 2023 amounting to Rs.3,72,996/-. The Certificate Case is still now pending before the Certificate Officer, Chandernagar, Hooghly. The respondent No.5 says that on or about 14th December, 2021 it had preferred a review against the order of the Controlling Authority dated 18th November, 2021. 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.5 for reviewing the order dated 18th November, 2021 passed in Case No.38/G/2019 as expeditiously as possible but not beyond three months from the date of communication of a server copy of this order.

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. After the review is disposed of the Certificate Case shall be proceeded immediately depending upon the result of the review.

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.)