

Court No. 2
17.12.2024
(Item No. 19)
(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 10652 of 2024

Dhaneswar Behuria
VS
The State of West Bengal & Ors.

Ms. Sejuti Sengupta
Mr. R. Guha Thakurta
Ms. Dipa Roy
.... For the petitioner
Mr. Mokaram Hossain
Ms. Keya Sutradhar
.... For the State
Mr. Tarak Dutta
.... For respondent No. 5

Affidavit of service is already on record.

Ms. Sejuti Sengupta, learned counsel appears
for the petitioner.

Mr. Tarak Dutta, learned counsel appears for
respondent No. 5.

Ms. Keya Sutradhar, learned counsel appears
for respondent No. 1.

Referring to a certificate dated **October 28, 2022** at **page 18** to the writ petition the petitioner submits that the petitioner being the beneficiary of the certificate the same is required to be put in execution and shall be executed by the respondent No. 4. However, the respondent No. 4 has not taken any steps to put the said certificate into execution, hence this writ petition.

Learned counsel appearing for respondent No. 5 submits that, from an order dated **April 21, 2022** at **page 11** to the writ petition an appeal has been filed on **June 22, 2022** and the same is pending before the jurisdictional appellate authority, Howrah under **sub-Section 7 to Section 7 of the Payment of Gratuity Act, 1972**. He submits that, if the certificate is executed in the mean time then the appeal will become infructuous as the order impugned in the appeal is the source of the said certificate which is under challenge.

Learned counsel for the petitioner submits that, hearing of the appeal has been concluded and the final order stands reserved.

In view of the above, the jurisdictional appellate authority is directed to pass the reasoned order in accordance with law and communicate the same to the respondent No. 5 and the petitioner herein positively within a period of **six weeks** from the date of communication of this order.

In the vent, the appeal upholds the order dated **April 21, 2022** passed by the controlling authority and no further challenge is carried out thereto by the respondent No. 5 within a period of **four weeks** from the date of the said appellate order then the respondent No. 4 shall initiate the appropriate proceedings to execute the said certificate dated

February 9, 2023 in accordance with law but positively within a period of **four weeks** if no further challenge is carried out from the order of the appellate authority within the stipulated time as directed above.

Since affidavits are not called for, the allegations made in this writ petition are deemed not to have been admitted by the respondents.

With the above observations and directions, this writ petition, **WPA 10652 of 2024** stands **disposed of**, without any order as to costs.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)