

20.12.2024
Ct. 23
D/L 4
ab

**IN THE HIGH COURT AT CALCUTTA
SPECIAL CIVIL JURISDICTION
(CONTEMPT)
APPELLATE SIDE**

**CPAN 1808 of 2024
In
WPA 10659 of 2024**

**Sheojee Tiwari
-Vs-
Nasrin Bari, The Certificate Officer, Howrah**

Mr. R. Guha Thakurta,
Ms. S. Sengupta,
Ms. Dipa Roy

.... for the petitioner/applicant

Mr. Bipin Ghosh

... for the alleged contemnor

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

On behalf of the alleged contemnor being the
respondent no. 4 in the writ petition, a report has been
filed to demonstrate that substantial compliance of the
order under contempt has been made. The said report
is taken on record.

On a perusal of the said report, it appears that on
account of the principal amount of gratuity, three
cheques have been issued by the employer being the
private respondent in the writ petition. The 1st cheque
bearing No. 695596 was dated 16th December, 2024 for
a sum of Rs. 1,00,000/-, the 2nd cheque bearing no.

695600 is dated 31st December, 2024 for a sum of Rs. 1,00,000/- and the 3rd cheque bearing no. 695602 is dated 15th January, 2025 for a sum of Rs. 1,09,557/-.

On behalf of the petitioner, it is submitted that the afresaid cheques have been issued by the employer, being the private respondent in the writ petition, in the name of "Sheoji Tiwari". The spelling of the first name "Sheoji" as in the petitioner's bank account is "Sheojee". This spelling of "Sheojee" will appear from the records and documents produced before the Appellate Authority as well as Controlling Authority under the Payment of Gratuity Act, 1972 and before the Certificate Officer, Howrah being the alleged contemnor. The petitioner says that since the spelling of the first name in the cheque dated 16th December, 2024 did not tally with that in the bank account of the petitioner, the said cheque could not be deposited for encashment. The petitioner approached the Certificate Officer, Howrah for necessary action so that cheque can be issued in the name of the petitioner as correctly spelt out in the records and documents but the same was not entertained by the Certificate Officer and as a consequence whereof, the petitioner had sent photo copies of the said three cheques with request that the same be issued in the name of the petitioner as correctly spelt out i.e. "Sheojee Tiwari".

The balance principal sum as per the petitioner is lying with the Controlling Authority. The balance sum is after adjusting the three cheques amount from the principal sum, which was awarded by the Controlling Authority under the payment of Gratuity Act, 1972.

In the aforesaid facts and circumstances, the Certificate Officer, Howrah being the alleged contemnor is directed to take up the matter with the employer concerned for issuance of three fresh cheques in lieu of three cheques respectively dated 16th December, 2024, 31st December, 2024 and 15th January, 2025 in the name of the petitioner as correctly spelt out, i.e. “Sheojee Tiwari”. Steps be taken up as expeditiously as possible. The balance principal sum should also be disbursed immediately. So far as interest component is concerned, a computation be made and handed over to the petitioner by 22nd January, 2025 so that necessary directions in respect of the same can be passed on the next date.

Let this matter appear on 31st January, 2025.

(Arindam Mukherjee, J.)