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2024
Ct. No. 550

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IN THE HIGH COURT AT CALCUTTA
SPECIAL CIVIL JURISDICTION
APPELLATE SIDE

CPAN 1496 of 2023

in
WPA 9417 of 2022

Ful Kumari Devi
Vs.
Bimalendu Nath,
The Certificate Officer, South 24-Parganas, Alipore.

Ms. Senjuti Sengupta,
Mr. Rananeesh Guha.

... for the applicant petitioner.

Mr. Ranjan Saha,
Mr. Kaustav Chatterjee.

... for the alleged contemnor.

1. The present contempt application has been filed complaining of violation of the order dated 24th January 2023. It would appear from the said order that the petitioner had approached this Court challenging the steps taken by the Certificate Officer and/or complaining of failure on the part of the Certificate Officer to execute the Certificate issued under Section 8 of the Payment of Gratuity Act, 1972.
2. This Court taking note of the fact that the steps had already been taken by the Certificate Officer to proceed with the execution of the Certificate by issuing a notice under Section 7 of the Bengal Public Demand Recovery Act, 1913 (hereinafter referred to as 'said Act') had directed the Certificate Officer to expeditiously dispose of the Certificate Case, being No. 21/Misc./22, preferably within a period of six months from date of passing of such order without granting any unnecessary adjournment to either of the parties.
3. Mr. Kaustav Chatterjee, learned Advocate, led by Mr. Ranjan Saha, learned Advocate, appearing on behalf of the alleged contemnor, by placing before this Court the affidavit of compliance filed on behalf of the alleged

contemnor, affirmed on 31st January 2024, submits that the Certificate Officer has since disposed of the Certificate Case. By drawing attention of this Court to the order sheet dated 22nd January 2024, the calculation sheet and the copy of the cheque dated 16th January 2024 drawn in the name of the petitioner, it is submitted that Certificate Officer has already caused disbursal of the aforesaid cheque of Rs. 5,17,276/- in favour of the petitioner. He submits that there may have been some delay in disposal of the aforesaid Certificate Case, however, the Certificate Officer had all of good intention and the delay was due to the change of guard in the office of the Certificate Officer.

4. The affidavit of compliance filed by the alleged contemnor is taken on record.
5. Ms. Senjuti Sengupta, learned Advocate, representing the petitioner, on the other hand, submits that the Certificate Officer has only executed the Certificate in so far as the principal claim is concerned. No steps have been taken by the Certificate Officer to determine the claim on account of compound interest as is payable in terms of the Payment of Gratuity Act, 1972. It is submitted that the aforesaid does not constitute compliance of the order dated 24th January 2023.
6. Mr. Chatterjee, in reply, submits that the compound interest component forming a sum of Rs. 2,37,386/- has already been computed and is included in the calculation sheet. The cheque for such amount is lying ready with the office of the Certificate Officer.
7. Upon hearing the learned Advocates appearing for the respective parties and taking into consideration the fact that the Certificate Officer has already disposed of the Certificate Case, though, the same may or may not be to the liking of the petitioner, I am of the view that the present contempt application cannot be considered any further.

8. The petitioner, however, shall be at liberty to challenge the decision of the Certificate Officer, if so advised, in accordance with law.
9. The contempt application is, thus, disposed of.

(Raja Basu Chowdhury, J.)