

S/L 77
15.05.2024
Court. No. 551
Suvayan

**WPA 24185 of 2012
With
CAN 1 of 2023**

**Gloster Limited & Anr.
Vs.
State of West Bengal & Ors.**

*Mr. S. K. Singh
Mr. Sujit Sharma*

...for the petitioners.

*Mr. Balai Ch. Paul
Mr. Ravi Kr. Dubey*

...for the respondent no. 4.

1. Since the interim application being CAN 1 of 2023 is not available in the file, the authenticated copy of CAN 1 of 2023 as filed by the learned Advocate for the respondent No. 4 is taken on record which is not disputed on behalf of learned Advocate for the writ petitioners.
2. The affidavit-of-service as filed by the learned Advocate for the respondent No. 4 be taken on record.
3. By filing the interim application being CAN 1 of 2023 the respondent No. 4 has prayed for disposal of the instant writ petition by recording that the respondent No. 4 has no further claim in respect of order dated 22.12.2011 as passed by the controlling authority, under the payment of Gratuity Act, 1972, Uluberia, Howrah and also in respect order dated 11.07.2012 as passed by appellate authority under the payment of Gratuity Act, 1972.

4. At the time of hearing, it is submitted at the Bar by drawing attention to page No. 54 and 55 of the instant writ petition that on 22.12.2011 an order has been passed by the aforementioned controlling authority directing the writ petitioner/company to pay a further sum of Rs. 8,814.96 towards gratuity together with interest at the rate of 10 per cent per annum. It is further submitted at the Bar that challenging the said order of the controlling authority an appeal was preferred before the appellate authority under the payment of Gratuity Act, 1972, Uluberia, Howrah and by an order dated 11.07.2012 (page No. 77 of the writ petition) the said appellate authority upheld the finding of the controlling authority dated 22.12.2011.
5. Since the respondent No. 4 by filing the instant interlocutory application has prayed for disposal of the instant writ petition recording that he has got no claim against the writ petitioner, this Court finds no predicament in allowing such petition.
6. Accordingly, the interim application being CAN 1 of 1 of 2023 is hereby allowed. As a result WPA 24185 of 2012 is disposed of by recording that the respondent No. 4 has got no further claim against the writ petitioner in relation to the abovementioned orders dated 22.12.2011 and 11.07.2012.
7. In view of the disposal of the instant writ petition, the deposited amount of Rs. 8,814.96 with the appellate authority under the payment of Gratuity Act, 1972,

Uluberia, Howrah be returned to the writ petitioner forthwith.

8. All parties to the instant writ petition, more specifically the respondent No. 2 are directed to act on the server copy of this order duly downloaded from the official website of this Court.
9. Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance with all the necessary formalities.

(Partha Sarathi Sen, J.)