

MAT 2097 of 2022

**Manabendra Mondal
Vs.
West Bengal Financial Corporation & Ors.**

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Mr. Piyush Chaturvedi
Mr. Amajit Mookherji
Mr. Prithish Chandra
... For the Appellant

Mr. Somnath Ganguli
Mr. Priyamvada Singh
... For the State Respondents

Mr. Sannigdhya Dutta
Mr. Abhijit Sarkar
Mr. Abhik Chitta Kundu
Ms. Abhipiya Sarkar
... For the Respondent nos. 1 & 2

1. The appeal is arising out of an order passed by the learned Single Judge on 24th August, 2022 in a writ petition in which the present appellant has prayed for a direction upon the West Bengal Financial Corporation (in short Corporation) to give higher amount towards Gratuity by reason of enhancement of ceiling of Gratuity from 10 lakhs to 20 lakhs in terms of Payment of Gratuity Amendment Act, 2018. The appellant retired from service on 31st December, 2020.
2. The writ petition was dismissed on the ground that the order dated 23rd April, 2019 passed by the Assistant Secretary to the Government of West Bengal, Finance Department has not been specifically challenged. Before the Hon'ble

Division Bench presided over by Justice Tapabrata Chakraborty the matter was adjourned in order to enable Mr. Somnath Ganguli, Ld. A.G.P to avail necessary instruction. Mr. Ganguli today submits that there is no requirement for approval to give higher amount towards Gratuity by reason of enhancement of ceiling of Gratuity. This point, however, was not argued before the learned Single Judge.

3. The Corporation apprehends, in the event the said amount is disbursed the State did not release such amount, as it is contended in the earlier two occasions that the State did not release of such enhanced amount towards Gratuity.

4. In view of clear submission made on behalf of the State that no permission is required for giving enhancement amount towards Gratuity and also having regard to the fact that the Corporation has, in the mean time, received the enhanced amount towards Gratuity from the L.I.C, pursuant to the scheme framed by the Corporation in consultation with the L.I.C for the benefit of the employees.

5. The Corporation is directed to release the enhanced Gratuity amount in favour of the appellant within two weeks from date.

6. In view of the above, the appeal being MAT

2097 of 2022 is disposed of along with CAN 1 of 2023.

7. However, there shall be no order as to costs.

8. Urgent Photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Uday Kumar, J.)

(Soumen Sen, J.)