

10.04.2024
Sl. No.3
(PP)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 28707 of 2023

**Central Institute of Petrochemicals
Engineering and Technology
Vs.
Assistant Labour Commissioner (Central)
And Controlling Authority & Ors.**

Mr. Kushal Paul

.....for the petitioner.

Mr. Sangram Kumar Mondal

..... respondent no.3-in-person.

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

The respondent no.3 (workman/employee) is personally present in Court.

The subject matter of challenge in this writ petition is the order passed by the Controlling Authority under the Payment of Gratuity Act, 1972 on 11th July, 2022. The Controlling Authority has held that a sum of Rs.2,20,041/- is payable to the respondent no.3 by the petitioner on account of gratuity. The petitioner is a public sector undertaking and a Government of India Enterprise under Ministry of Chemical and Fertilizers. The petitioner did not challenge the order of the Controlling Authority despite the period provided for the same has elapsed long back. The order dated 11th July, 2022 has been challenged by filing this writ petition on 19th December, 2023. In the meantime, a

certificate case has been initiated and the Certificate Officer on 22nd November, 2023 has issued a notice in terms of an order passed in the certificate case. The challenge to the order of the Controlling Authority is belated and that too when the same is appealable.

The writ petition cannot also be entertained when the certificate proceedings has already been initiated. Any further observation made by this Court may prejudice the certificate proceedings. The workman/employee has not received his retiral benefits for a long period of time.

In the aforesaid facts and circumstances, I do not find any merit in this writ petition. The same is accordingly dismissed.

The Certificate Officer shall proceed expeditiously to dispose of the certificate case, but not beyond 4 months from the date of communication of a server copy of this order.

The parties including the Certificate Officer shall act on a server copy of this order without insisting upon production of a certified copy thereof.

Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance of all necessary formalities.

(Arindam Mukherjee, J.)

