

07.02.2025
Ct. No. 30
S.L No. 9
SM

WPA 338 of 2025

**Sri Makhan Show @ Makhan Shaw
Vs
State of West Bengal & Ors.**

Mr. Bikash Shaw
Mr. Sk. Saad Nafisul Islam
.....for the petitioner

Ms. Amrita Pandey
Ms. Sneha Singh
.....for the respondent no. 5

Mr. K.J. Yusuf, ld. AGP
Mr. Sanjay Mukherjee
.....for the State of West Bengal

Affidavit-of-service filed be kept with the record.

The present writ application has been preferred praying for direction upon the respondent no. 5 to pay the gratuity amount as directed by the Controlling Authority and also by issuance of certificate.

On hearing the parties and considering the materials on record it appears that by an order dated 06.05.2022 the Controlling Authority under the Payment of Gratuity Act, 1972 Chandannagore, Hooghly had directed payment of gratuity in favour of the petitioner workman.

Notice for payment was issued on 06.05.2022. It appears that a certificate proceedings being case no. 03

of 2023 has been initiated for non-payment of the gratuity.

The hearing in the said proceedings was last done on 30.08.2024. It is submitted by the learned counsel appearing for the respondent no. 5 that the respondent no. 5 had appealed against the order of the Controlling Authority and the appeal has been dismissed. Respondent no. 5 has now preferred a review application against the said order of the appellate authority. It appears that the order for gratuity by the Controlling Authority was passed in the year 2022.

The matter is pending for non-payment since then.

Accordingly the Certificate Officer, Chandannagore, Hooghly is directed to dispose of the certificate proceedings within 30 days from the date of this order in accordance with law.

Let a copy of this order be sent to the Certificate Officer Hooghly and the District Magistrate, Hooghly.

A copy be sent to the Labour Commissioner, Government of West Bengal.

WPA 338 of 2025 is disposed of.

Applications, if any, connected thereto stand disposed of consequently.

Interim order, if any, stands vacated.

Let a copy of this order be sent to the Trial Court at once.

Photostat certified copy of this order, if applied for, being given to the parties on priority basis upon compliance of all formalities.

[Shampa Dutt (Paul). J]