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AKG
Ct. 15

WPA 3165 of 2025
Chhabi Roy
Vs.
The State of West Bengal & Ors.

Mr. Ziaul Halder,
Mr. Santimoy Bhattacharyya,
Mr. Anirban Das

...for the Petitioner

Mrs. Sabnam Das,
Mrs. Kakali Naskar

...for the State

Mr. Srijan Nayak,
Mr. P. S. Pal

...for Respondent Nos. 2 to 3

The petitioner's husband was an employee of the Chandrakona Co-operative Cold Storage Society Limited, respondent No. 6. He resigned from his post on May 20, 2020, and passed away on August 2, 2023.

The learned advocate for the petitioner submits that, as the legal heir of the deceased employee, the petitioner is entitled to receive the terminal benefits, including the gratuity amount, owed to her husband. He further submits that despite an order from the Assistant Labour Commissioner, Ghatal, Paschim Medinipur, the society has failed to release the gratuity amount of Rs. 2,37,000 in favour of the petitioner.

It appears that the Controlling Authority issued a show-cause notice on August 1, 2023, under Section 8 of the Payment of Gratuity Act, 1972, against the society

for failing to release the gratuity amount.

The learned advocate for the petitioner further submits that during his lifetime, the petitioner's husband made repeated representations to the respondents for the release of the gratuity amount, but these requests were not fulfilled. Even after his death, the petitioner has made representations to the society for the release of the gratuity and other retiral dues, but no payment has been made to her.

In light of the above, I am of the view that if the deceased employee had nominated his wife to receive the retiral dues, it was the duty of the respondent authority to release the terminal benefits in her favor.

Therefore, this writ petition is disposed of with a direction to respondent No. 6 to release the gratuity amount of Rs. 2,37,000 to the petitioner within one month from the date of this order, provided the deceased employee nominated the petitioner to receive the retiral dues.

Accordingly, **WPA 3165 of 2025** is disposed of.

Urgent certified *website* copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Kausik Chanda, J.)