

25.02.2025
Ct. No. 30
S.L No.11
SM

WPA 3895 of 2025
Sri Sadhan Pramanick
Vs.
State of West Bengal & Ors.

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

Ms. Amrita Pandey
Mr. Bipasha Jaiswal
.....for the respondent no. 5

Mr. Amitava Chaudhuri
Mr. Arindam Mitra
.....for the State

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

The present writ application has been preferred praying for directions upon the respondent no. 5 to make the payment as directed of the gratuity amount.

It is further stated that the certificate proceeding initiated is still pending.

On hearing the parties, it appears that vide an order dated 07.07.2023, the Controlling Authority, Howrah passed an order granting gratuity in favour of the petitioner.

Notice for payment of gratuity was issued to the company on the same date.

Subsequently, as the amount was not paid, a notice for recovery of gratuity was issued by the

Controlling Authority on 09.07.2024 to the Certificate Officer and District Magistrate, Howrah. It appears that till date the proceeding has not been concluded but the Certificate Officer has issued warrant of arrest against the said respondent company. Vide an order dated 10.02.2025.

The Certificate Officer is sufficiently empowered under the relevant provision of law to ensure the payment of gratuity and as such he is supposed to proceed in the case in accordance with law, expeditiously. Considering that the said direction for payment of gratuity is under a beneficial legislation.

The writ application is accordingly disposed of with the direction that the Certificate Officer shall make all endeavour to conclude the said recovery proceedings within a period of 60 days from the date of communication of this order, in accordance with law.

Writ application stands 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]