

26.11.2025

Item No.10

Crt.No.10

b.r.

WPA 5231 of 2021

Ranjit Adhikary.

-vs-

The State of West Bengal & Ors.

Mr. Bikash Shaw

Mr. Sk. Saad Islam

.... For the petitioner.

Mr. Susovan Sengupta

Mr. Manas Kumar Sadhu

.... For the State.

Ms. Amrita Pandey

..... for the Resp. no.5

1. Parties are heard through their respective learned counsels.
2. The instant writ petition has been filed by the petitioner for expeditious disposal of the appeal pending under Section 53 of the Bengal Public Demands Recovery Act, 1913, before the Division Commissioner, Burdwan Division & Appellate Authority/respondent no.4.
3. Appropo the facts of the case that the petitioner herein was an ex-employee of Murlidhar Ratanlal Exports Limited (Unit Gondalpara Jute Mill being the respondent No.5 herein). He was appointed for the said mill on 26.10.1971 and retired on 12.04.2006. At the time of retirement he was posted as a factory mechanic having employee ticket No. L6727. He

retired after providing 36 year of continuing service and the amount of service and the amount of wages last drawn by him was 240.18 per day.

4. The matter has been heard at length. The issue involved herein pertains for not depositing the gratuity amount to the tune of Rs. 14 crore which is due and payable to the workers of Gondalpara Jute Mill whose management is being controlled by Murlidhar Ratanlal Exports Limited being respondent No. 5 herein with effect from 7.5.2009 being the date of transfer of management from Hooghly mills Limited to respondent No.5.
5. The controlling authority by an order dated 31st March, 2017 issued a notice directing inter alia, Murlidhar Ratanlal Exports Limited respondent No. 5 to make payment of said amount of Rs. 1,98,900/- to the petitioner within the period of 30 days from the receipt of the said notice. The petitioner further filed an application for issuance of a certificate for non compliance of the order of the controlling authority.
6. After his retirement the petitioner filed an application for gratuity before the respondent No. 5 claiming thereby full gratuity with interests.

Since the gratuity was not paid he filed a further application for a direction from the controlling authority under Payment of Gratuity Act 1972 (herein after referred to as the said Act, after hearing the application the controlling authority arrived at a finding that the petitioner is entitled to a payment to the tune of Rs. 1,98,900/- on account of gratuity including interests under the said Act.

7. The petitioner submits that as per section 7 (4) of the said act the employer is entitled to deposit the gratuity amount payable with the controlling authority.
8. The respondent No.2 being aggrieved by the order passed under Section 7(4) of the said Act preferred an appeal under Section 7(7) of the said Act but the same was rejected on the ground for not depositing the assessed amount on account of gratuity with the controlling authority.
9. A certificate under Section 8 of the said Act was accordingly issued against the respondent No. 5 and the same was sent to the Collector and the District Magistrate by the Respondent No.2 for recovery of the said sum from respondent No. 5. Upon such receipt of the certificate, the

certificate officer issued a notice to the respondent No. 5 for making payment.

10. On 27.09.2017 and 05.11.2017 the respondent No. 5 filed an appeal being 13/GA/217 before the appellate authority and the same was rejected by an order dated 13.11.2017 confirming the order of the controlling authority.

11. The learned counsel for the petitioner seeks an appropriate order to be passed in terms of prayer (b) and (c) to the writ petition.

12. Learned counsel for the respondent No. 5 submits that already an appeal has been preferred before the respondent No. 4 against the order passed by the District Magistrate Hooghly, and the same is still pending for disposal.

13. Upon producing a soft copy of the order passed by the respondent no.3 dated 24.06.2025, the respondent no.5 submits that already an application challenging the Certificate proceeding is pending for disposal before the authority concerned.

14. After hearing the rival contention of the parties I am of the considered view that since the appeal is pending before the respondent No.4, the respondent No.4 is directed to dispose of the

appeal within a period of 60 days by passing a reasoned order in accordance with law upon affording an opportunity of hearing to all the parties and shall communicate the decision to the concerned authorities forthwith.

15. The certificate proceeding which is pending for disposal will abide by the result of the appeal pending before the respondent No.4.

16. The matter is disposed of without taking any exception to the merits of the case.

(Smita Das De, J.)