

10.03.2025

Sl. No.: 17
Court No.30
BM

WPA 4929 of 2025

Sew Mohar Majhi

Vs.

The State of West Bengal & Ors.

Mr. Uddipan Banerjee
Mr. Subhrakanti Samanta

... for the petitioner

Ms. Amrita Pandey
Ms. Sneha Singh
Ms. Bipasha Jaiswal

... for the respondent no.6

1. The present writ application has been preferred praying for direction upon the respondent no.4 to recover the amount as awarded in the Certificate dated 9th February, 2024 as issued by the respondent no.2.

2. The respondent Company is being represented.

3. It appears from the materials on record that notice for payment of gratuity was issued to the respondent Company on 06.10.2023.

4. As the respondent Company did not pay the gratuity as directed the Controlling authority issued a certificate to recover the said payment and sent the order to the Certificate Officer, Office of the Sub Divisional Magistrate, Serampur, Hooghly on 19.02.2024.

5. An appeal was preferred by the respondent Company before the Deputy Labour Commissioner,

Serampur and vide an order dated 09.09.2024 said appeal was rejected. The respondent Company then preferred an appeal against the order of the Certificate Officer before the Appellate authority being District Magistrate and Collector, Hooghly which was also dismissed by the said appellate authority and at present the certificate proceeding is still pending.

6. Considering that all the appellate forums have rejected the appeals of the respondent Company, the writ application is disposed of with the directions that the Certificate Officer shall complete the recovery proceedings within a period of sixty days from the date of this order in accordance with law.

7. The writ petition stands disposed of.

8. Urgent Xerox certified copies of this order, if applied for, shall be supplied to the learned counsel for the parties as expeditiously as possible, in compliance of usual formalities.

(Shampa Dutt (Paul), J.)