

10.09.2025
Ct. No. 30
S.L No. 18
MKP

WPA 5943 of 2025

Murlidhar Ratanlal Exports Limited

Vs

The State of West Bengal And Ors.

Mr. Soumya Majumdar, Sr.Adv.

Ms. Amrita Pandey

Ms. Sneha Singh

.....for the Petitioner

Mr. Malay Singh

Ms. Neelam Singh

.....for the State

1. The writ application has been preferred challenging an order dated 8th September, 2023 and certificate dated 18th September, 2024 passed by the Controlling Authority under the Payment & Gratuity Act & Order dated 13.08.2024 passed by the Appellate Authority & finally an order dated 20.12.2024 passed by the Certificate Officer, Sreerampur, Hooghly.

2. On hearing the learned counsel for the parties, it appears that the Controlling Authority in the present case passed an order on 08.09.2023 directing payment of gratuity in favour of the

respondent workman. The petitioner company preferred an appeal which was disposed of vide an order dated 13.08.2024. The appellate authority was pleased to dismiss the appeal.

3. The appellate authority observed that there was non-compliance of sub-Rule (1) & (2) of Rule 18 of the West Bengal Payment of Gratuity Rules, 1973 and sub-Section (7) of the Payment of Gratuity Act.
4. Order by the Controlling Authority was passed on 08.09.2023. The appeal was preferred on 12.12.2023, within the period of limitation permitted under the Act.
5. Considering the observations of the Appellate Authority regarding the non-compliance of the provisions of the West Bengal Payment of Gratuity Rules, 1973, who has dismissed the said appeal for such non-compliance, without giving an opportunity to the petitioner herein, for such compliance within a specified period, is against the principle of natural justice and prima facie abuse of the process of law.
6. In view of the said facts, the order of the appellate authority dated 13.08.2024 passed in GA/02/2024 is hereby set aside.

7. The appeal is restored to its file and number and the appellate authority is directed to permit the petitioner herein to deposit the requisite amount as per sub-Section (7) of Section 7 of the Act and also be permitted to file a certified copy and serve the same as per Rule 18 sub-Rule 1 & 2 of the Gratuity Rules, 1973, within a period of 30 days from the date of this order.
8. The petitioner is directed to comply with the said provisions, as directed within 30 days from the date of this order and on compliance of the same, the appellate authority shall hear the appeal on merit and dispose of the same in accordance with law, expeditiously preferably within 60 days from the date of compliance by the petitioner as directed by this Court.
9. Pending hearing of the appeal, the certificate proceedings shall remain stayed.
10. It is made clear, that in case the petitioner fails to comply with the said provisions as directed by this Court within the period permitted, the order of stay of the certificate proceedings shall be automatically vacated and the order of the appellate authority shall be

restored and the certificate officer shall be at liberty to proceed in accordance with law.

11. It is to be noted that the Court has not gone into the merit of the case.

10. The writ application stands **disposed of**.

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

12. Interim order, if any, stands vacated.

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

[Shampa Dutt (Paul). J]