

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

Present:

The Hon'ble Justice Ananya Bandyopadhyay

W.P.A. 8648 of 2019

**Mangal Banerjee @ Dr. Mangal Banerjee
-Vs-**

The Appellate Authority under the Payment of Gratuity Act, 1972 & Ors.

For the Petitioner	: Ms. Chandreyi Alam Ms. Runu Mukherjee
For the State	: Mr. Supriyo Chattopadhyay Mr. Sabyasachi Mondal
Heard on	: 07.03.2025, 26.06.2025, 14.08.2025
Judgment on	: 02.12.2025
Uploaded on	: 05.12.2025

Ananya Bandyopadhyay, J.:-

1. The petitioner chronicled continuous and dedicated service of ten years rendered at the educational establishment borne out of the welfare obligations of the Coal Mining Industry. His journey commenced when he was appointed as a clerk in the Santaldih Coal Washery Junior High School on 2nd August 1971. With the school being upgraded in 1978 to a High School upon recognition by the West Bengal Board of Secondary Education, the petitioner, upon acquiring requisite qualifications for teaching, sought the recognized post of Assistant Teacher. His claim crystallized pursuant to an order dated 26th November 1997 passed by this Court in CO No.1404 (W)

of 1992, whereafter the Project Officer, Bhojudih Coal Washery under Bharat Coking Coal Limited (BCCL) formally appointed him as an Assistant Teacher. His pay was duly fixed by office order dated 4th September 2002, and he functioned in such capacity until his superannuation on 31st July 2013.

2. The petitioner asserted Bhojudih Coal Washery was initially under the Central Control Washeries Organization subsequently absorbed with Coal India Limited and thereafter within the control of BCCL, i.e. respondent No.3. The school, in question, was established primarily to provide educational facilities to the wards of coal mine workers. It formed part of a larger welfare scheme, reflected in National Coal Wage Agreements and Joint Bipartite Agreements, which envisaged that coal companies would bear responsibility for operating schools within mining areas, including payment of salaries, *ex gratia*, bonus, and ancillary benefits.
3. The petitioner emphasized from inception the entire financial burden of the Santaldih Coal Washery Junior High School elevated to Santaldih Coal Washery High School was borne by the Coal Washery Authorities. Recognition was granted by the West Bengal Board of Secondary Education vide communication dated 25th April 1979, on the explicit condition that the school would not be entitled to any financial assistance from the State Government and all recurring and non-recurring financial responsibilities would be discharged by the Central Coal Washeries Organization. This condition persisted even after the organization merged with BCCL thereby casting upon respondent No.3, the liability to sustain the institution.

4. Throughout his service, the petitioner along with other teaching and non-teaching staff received monthly salary, increments, house rent allowance, medical benefits, and other emoluments from respondent No.3 through the Project Officer and Deputy Manager (Finance), Bhojudih Coal Washery. Statements of grant-in-aid and salary disbursement issued from time to time, copies of which the petitioner furnished, demonstrated that the employer and Paymaster were invariably the Coal Washery Authorities and not the State Government. The Managing Committee of the School consisted of representatives from the Coal Washery Authorities including the Project Officer, Deputy Personal Manager, Senior Finance Manager and other officials, reflecting pervasive administrative and financial control of respondent No.3.
5. Following his retirement, the petitioner sought gratuity under the Payment of Gratuity Act, 1972. His representation was declined on the ground that he was an employee of the school – an aided institution and not of BCCL and consequently, he was claimed to be ineligible for gratuity. Face with refusal, he approached the Controlling Authority under the said Act wherein he contended the school existed solely due to BCCL's initiative and financial liabilities, including salaries and service benefits were entirely met by respondent No.3. He relied upon documents showing that an ex-teacher of the same school had been paid gratuity by BCCL demonstrating institutional consistency.
6. The Controlling Authority by order dated 18th July 2017, however, held that the school was an aided institution recognized by the State and the State

Government was the appropriate authority in dismissing the petitioner's claim. The petitioner preferred an appeal before the Appellate Authority being Deputy Chief Labour Commissioner (Central) Asansol contending the financial and administrative control of respondent No.3 was intensely extensive. The school had not received any grant whatsoever from the State Government. He relied upon wage agreements, statements of grant-in-aid and evidence of pay disbursement by the Coal Washery Authorities. It was argued the mere fact of State recognition of the school could not displace the substantive position that the employer was BCCL and not the State Government.

7. The Appellate Authority by order dated 27th November 2017, nevertheless affirmed the order of the Controlling Authority directing the petitioner to approach the State Government. The petitioner challenged this determination as fundamentally flawed expressing that recognition by the State did not convert an unaided industry created institution financially sustained entirely by the coal company, into a State-aided School. The petitioner further asserted that the statutory criteria under the Payment of Gratuity Act, 1972 stood satisfied since the school employed more than 10 persons and BCCL being the controlling and financing body was squarely liable to pay gratuity.
8. The petitioner, therefore, sought quashing of the orders dated 5th May 2015, 18th July 2017 and 27th November 2017 passed by the Labour, Authorities and claimed gratuity of Rs.13,52,081/- along with statutory interest,

asserting that the refusal was unjust, contrary to statutory entitlement, inconsistent and untenable by the factual and documentary matrix.

9. The Learned Advocate representing the petitioner relied on Memo No.4308/G dated 25.04.1979 of the West Bengal Board of Secondary Education granting recognition to the school confined to the categorical stipulation that no financial assistance, recurring, non-recurring or capital would ever be extended by the State Government and all financial responsibilities would be borne exclusively by the Central Coal Washeries Organization. The subsequent letter No.7152/G/1 dated 04.08.1983 issued by the Steel Authority of India further confirmed the initiation of a Special Constitution for the Managing Committee of the School reflecting the administrative involvement of the Coal Washery Authorities.
10. It was contended vide Memo No.10875/G dated 20.12.1983, a Special Constitution of the Managing Committee was formally granted comprising four representatives of the Bhojudih Coal Washery. The petitioner reliably asserted respondent No.3 and 4 being the Coal Washery Authorities exercised substantial and persistent control over the school, both administratively and financially. This pervasive control continued throughout his tenure. To substantiate the nature of such control, the petitioner placed several documents before the Court, viz,:-

- a) The certificate of last pay particulars jointly issued by the Secretary of the School who simultaneously served as Assistant Manager (P) of the Coal Washery.

- b) Statements of grant-in-aid and salary disbursement issued by the Deputy Manager (Finance) Bhojudih Coal Washery.
- c) Orders of pay fixation and release of *ex gratia* and arrears issued by Bharat Coking Coal Limited.
- d) Permissions granted by BCCL for outstation medical treatment of the petitioner's wife wherein the petitioner was identified as an employee of SCW High School.
- e) The school certificate confirming that it was unaided affiliated to the West Bengal Board of Secondary education and wholly financed by the Coal Washery Organization.

11. The Learned Advocate representing the petitioner further submitted after his superannuation he applied for gratuity before the Project Officer Bhojudih Coal Washery, however, by letter dated 05.05.2015, his prayer was rejected on the ground that he was an employee of the school managed by its managing committee and not of BCCL and hence was not entitled to gratuity as per BCCL norms. The petitioner questioned whether BCCL could, in good conscience, disclaim responsibility after having exercised exclusive financial and administrative control over the school for decades.

12. The Learned Advocate representing the petitioner further submitted respondent No.2 State of West Bengal had filed an affidavit asserting that the petitioner was not an employee of an aided school under their control and was not entitled to gratuity from the State. The State maintained that the petitioner was an employee of a private aided school and hence was beyond the ambit of the framework of gratuity liability of the State.

13. The Learned Advocate representing the petitioner drew attention to the statutory definition of appropriate Government under Section 2 of the Payment of Gratuity Act, 1972, which prescribed the Central Government as the appropriate Government in relation to establishments belonging to or under the control of the Central Government including mines and allied establishments. He contended that Santaldih Coal Washery High School established and controlled by the Central Coal Washeries Organization satisfied this statutory threshold and thus the Controlling Authority (Central) rightly exercised jurisdiction.
14. The Learned Advocate representing the Petitioner relied on the decision of the Hon'ble Supreme Court in *Regional Provident Fund Commissioner -Vs- Sanatan Dharam Girls Secondary School* reported in (2007)1 SCC 268 where in the Court held that control was synonymous with Superintendent Authority to direct, regulate, restrict or supervise the institution, in question. Applying this principle, the petitioner asserted that the involvement of the Coal Washery Authorities, financially administratively and structurally demonstrated that the school was under control of the Central Government for the purpose of gratuity liability.
15. Despite acknowledging the petitioner's eligibility for gratuity both the Controlling Authority order dated 18.07.2017 and the Appellate Authority order dated 27.11.2017 held that the State Government was the appropriate authority for payment. The petitioner contended that such decisions overlooked all documentary evidence demonstrating that the State

Government, neither funded nor controlled the institution and that BCCL was a true employer for the purpose of gratuity.

16. The Learned Advocate representing the respondent, on the other hand, claimed before the Controlling Authority that the school was receiving only grant-in-aid under their social responsibility obligations and that they had no role in its administration which was vehemently disputed by the petitioner stating such assertions to be contradictory to the annexures issued by the Coal Washery Authorities. The rival stance emerged sharply.
17. The Learned Advocate representing the respondent stated the State Government, i.e., respondent No.13 categorically asserted that it was not the employer, the school was neither aided nor financed by the State under any scheme or the DCRB Rules, 1981. The petitioner never served in an institution under State jurisdiction and, therefore, the State could not be saddled with gratuity liability. The State emphasized that the school was not covered under the grant-in-aid; a scheme of the school education department and that all financial responsibility rest solely with the Coal Washery Organization.
18. The Learned Advocate representing the respondent No.2 similarly submitted that the school was set up by an organization wholly owned by the Central Government and fully financed and controlled by BCCL, although the West Bengal Board of Secondary Education granted academic recognition.
19. The Learned Advocate representing the respondent No.4 and 7 representing BCCL, however, contended that no employer-employee relationship existed between BCCL and the staff of the school. It was argued the Managing

Committee issued all appointment letters and BCCL merely extended grant-in and welfare facilities as part of its social responsibility policies. Reliance upon the orders of the Controlling Authority dated 18.07.2017 and 27.11.2017, held the petitioner was eligible for gratuity, but the State Government was the appropriate Government under the said Act.

20. The Learned Advocate representing the petitioner countered such findings stating the same to be contrary to the statutory scheme. Section 2 of the Payment of Gratuity Act 1972 defined appropriate Government to be the Central Government for establishments belonging to or under the control of the Central Government. He asserted that the Santaldih Coal Washery High School was under the absolute control of the Coal Washery Organization and CCL, which satisfied the statutory threshold for Central Government jurisdiction. The petitioner asserted the controlling and Appellate Authorities in overlooking the voluminous documentary evidence, demonstrating the exclusive financial and administrative dominion of BCCL over the school by mechanically shifting the burden upon the State Government, despite the explicit condition in the recognition memo barring any financial responsibility of the State. They had deprived the petitioner of his statutory entitlement.

21. The Secretary, Santaldih Coal Washery Junior High School, vide a Communication dated 31st of July, 1971, informed the petitioner as follows:-

*“To
Shri Mongal Banerjee,
S/o- Sri Bibhuti Bhusan Banerjee,
Santaldih.*

Dear Sir,

Ref: Your application for appointment as Typist Clerk.

The Managing Committee of the School has decided to appoint you as a Typist Clerk at a consolidated pay of Rs.90/- per month w.e.from 2nd August '71.

You are requested to join on 2.8.71.

Yours faithfully,

Secretary."

22. By memo under reference no.WM.BJ/E(27)/2002-501 dated 04.07.2002, the President, Santaldih Coal Washery Junior High School, issued an Office Order which stated as follows:-

"As per resolution passed by the Managing Committee No.21/98 dated 2.6.1998 as well as directive of Hon'ble Calcutta High Court vide No. C.O. No.1404(W) of 1992 dated 26.11.1997, Shri Mangal Banerjee, Clerk S.C.W. High School given authorization for teaching job vide office order No.WM/BJ/E(27)/2001/127 dated 24.1.2007 is hereby regularized as a Teacher of Santaldih Coal Washery High School and he is also directed to look after the day to day accounting/cans and other miscellaneous job of the school till further order.

....."

23. Vide a communication under reference no. WM/BJ/E(146/23)/13-647 dated 24.04.2013, the Secretary, Santaldih Coal Washery High School with regard to first retirement notice, intimated the petitioner as follows:-

".....

Sub: First Retirement Notice

You will complete 42 years of service as on 01.08.2013 and your last working day in the Santaldih Coal Washery High School will be 31.07.2013. our Grant-in-aid will be stopped w.e.f. 01.08.2013.

This is for your kind information and necessary action.

.....”

24. The West Bengal Board of Secondary Education vide Memo No.4308/G dated 25.04.1974 granted recognition to the Santaldih Coal Washery High School as “X-Class School with effect from 1.1.1978 for three years” subject to the fulfillment of conditions as enclosed with the said communication. It further stated, *inter alia*, that “the condition as attached to the recognition are to be strictly complied the is default the Board reserves the right to cancel or withdraw recognition of school.”

25. The following conditions imperative to the instant writ petition are enumerated as follows:-

“.....

7. Teachers should be paid their salaries according to Grants-in-Aid Rules.

14. Teachers, Clerks and class IV staff of the school should be given the benefit of contributory provident fund according to the existing Rules.

16. The school shall not be entitled to any kind of financial assistance as recurring, non-referring or capital grant from the State Government and all financial responsibilities of the school should be met by the management of central coal washeries organization.”

26. The West Bengal Board of Secondary Education, through its Secretary, granted approval of Special Constitution of the Managing Committee of Santaldih Coal Washery High School which, *inter alia*, stated as follows:-

“Dear Sir,

I am directed to state that after due consideration of the amended application for a special constitution of the managing committee of your

school and the recommendation of the Director of School Education on the same and giving a personal hearing to the representatives of the school as per direction of the Hon'ble High Court, the President, West Bengal Board of Secondary Education in exercise of Powers conferred upon him under Section 28(2) of the West Bengal Board of Secondary Education Act, 1963, as amended, read with Rule 8(3) of the Rules for Management of Recognized Non-Government Institutions (Aided and Unaided) 1969, as amended, has been pleased to approve of the following special constitution for future management of the school.

1. Representative of Bhojudih Coal Washery	..	4
2. Guardians' Representatives (to be elected)	..	4
3. Member of the Teaching and Non-teaching Staff		
(to be jointly elected)	..	4 (3+1)
4. Head of the Institution (Ex-Officio)	..	1
5. Departmental Nominee	..	1

14 (fourteen)

As regards the management of the school, the Managing Committee then reconstituted will be guided by the existing Rules for the management of Recognised Non-Government Institutions issued in this regard by the Board from time to time.

You are requested to take steps to complete the reconstitution of the Managing Committee of the school including the election of office-bearers according to the Special Constitution now approved, within 30.6.84."

27. The aforesaid communications issued in favour of the petitioner reflected the same to have been appointed by the Santaldih Coal Washery High School through its Secretary. The school had been administratively controlled and operated by a School Managing Committee, a distinct entity from BCCL. The respondent no.4 and 7 exclusively contributed finances in the criteria of grant-in-aid sub-serving the policy under corporate social responsibility.

28. The Managing Committee comprised of the members as aforesaid out of whom none functioned as a staff of BCCL. The petitioner having been granted the appointment letter by the respondent school through its Secretary and subsequently absolved as a Assistant Teacher vide an order issued by the President of the aforesaid school cannot be construed to be a staff directly under BCCL whereby the relationship of employer-employee has never been created.

29. In a question to be decided as to whether BCCL grant-in-aid to private school as a policy measure to conform corporate social responsibility towards society could be liable to pay gratuity, the Hon'ble Supreme Court in **S.C. Chandra & Ors. vs State of Jharkhand & Ors.** unequivocal terms stated in absence of employer-employee relationship between BCCL and the staff, the BCCL was not liable and/or responsible to contribute towards gratuity.

30. In **S.C. Chandra & Ors. vs State of Jharkhand & Ors.**¹, the Hon'ble Supreme Court observed as follows:-

“16. The writ petitioner-appellants prayed before the High Court of Jharkhand by filing writ petition that direction and order may be given to the respondents to fix their pay scale on a par with the pay scale of government secondary school teachers or on a par with Grade I and II clerks of the respondent Company. They also prayed that the facilities such as, provident fund, gratuity, pension and other retiral benefits should also be made available to them and it was further prayed that the State Government should take over the management of Ram Kanali School under the provisions of the Bihar Non-Government Secondary Schools (Taking

¹(2007) 8 SCC 279

Over of Management and Control) Act, 1981 (hereinafter to be referred to as "the Act").

17. A counter-affidavit was filed by Bharat Coking Coal Limited (hereinafter to be referred to as BCCL) that the present Ram Kanali School was not owned by the said BCCL and the school was run by the Managing Committee and the writ petitioners were never appointed by BCCL and, therefore, they were not the employees of BCCL. It was also submitted that BCCL used to release non-recurring grants to the privately managed schools on the recommendation of the Welfare Committee. But this release of grant was subject to certain conditions. This non-recurring grant-in-aid did not make the school a part of the management of BCCL and therefore any teacher in such privately managed school cannot be said to be the employee of BCCL thereby entitling him all benefits as are available to the regular employees of BCCL. It was also pointed out that the Managing Committee of Ram Kanali School was given grant-in-aid but that has been stopped and they totally disowned the responsibilities for any benefits whatsoever. However, the learned Single Judge allowed the writ petition and directed that these teachers who were working in the school were entitled to the pay scale given to the clerks working in BCCL with effect from the date of the judgment with all consequential benefits such as provident fund, gratuity and other service benefits available to the employees of BCCL.

18. So far as taking over of the school by the State of Jharkhand was concerned, no direction was given by the learned Single Judge. Aggrieved against this order passed by the learned Single Judge, appeal was prepared and along with this appeal two more appeals were filed by BCCL before the Division Bench. Therefore, all these three appeals were taken up by the Division Bench together and the same were disposed of by the common order. The Division Bench examined the matter at a greater detail and came to the conclusion that the incumbents were not entitled to the pay scale of the employees of BCCL or equivalent to the government employees and accordingly set aside the order of the learned Single Judge

by order dated 21-1-2004. Hence, aggrieved against this order, all these three appeals have been preferred by the private respondents.

19. We have heard learned counsel for the parties and perused the records. The Division Bench after considering the matter came to the conclusion that from the record available the existence of relationship of employer and employee between the management of BCCL and the teachers working in the school could not be established. The Division Bench further held that BCCL is not an instrumentality of the State as per Section 617 of the Companies Act as its dominant function is to raise coal and sell and imparting education is not its dominant function. The Division Bench further held that the plea that a direction may be issued to the State Government in terms of the Act to take over the school in question was totally misconceived. As such, the Division Bench set aside the order of the learned Single Judge and dismissed the writ petitions.

20. After going through the order of the Division Bench we are of opinion that the view taken by the Division Bench of the High Court is correct. Firstly, the school is not being managed by BCCL as from the facts it is more than clear that BCCL was only extending financial assistance from time to time. By that it cannot be saddled with the liability to pay these teachers of the school as being paid to the clerks working with BCCL or in the Government of Jharkhand. It is essentially a school managed by a body independent of the management of BCCL. Therefore, BCCL cannot be saddled with the responsibilities of granting the teachers the salaries equated to that of the clerks working in BCCL.

21. Learned counsel for the appellants have relied on Article 39(d) of the Constitution. Article 39(d) does not mean that all the teachers working in the school should be equated with the clerks in BCCL or the Government of Jharkhand for application of the principle of equal pay for equal work. There should be total identity between both groups i.e. the teachers of the school on the one hand and the clerks in BCCL, and as such the teachers cannot be equated with the clerks of the State Government or of BCCL. The question of application of Article 39(d) of the Constitution has recently been

interpreted by this Court in State of Haryana v. Charanjit Singh [(2006) 9 SCC 321 : 2006 SCC (L&S) 1804] wherein Their Lordships have put the entire controversy to rest and held that the principle, “equal pay for equal work” must satisfy the test that the incumbents are performing equal and identical work as discharged by employees against whom the equal pay is claimed. Their Lordships have reviewed all the cases bearing on the subject and after a detailed discussion have finally put the controversy to rest that the persons who claimed the parity should satisfy the court that the conditions are identical and equal and same duties are being discharged by them. Though a number of cases were cited for our consideration but no useful purpose will be served as in Charanjit Singh [(2006) 9 SCC 321 : 2006 SCC (L&S) 1804] all these cases have been reviewed by this Court. More so, when we have already held that the appellants are not the employees of BCCL, there is no question seeking any parity of the pay with that of the clerks of BCCL.

22. *Hence, as a result of our above discussion, we do not find any merit in these appeals and the same are dismissed with no order as to costs.”*

31. The West Bengal Education Board had recognized and/or granted affiliation to the respondent school to function as a High School till Class-X subject to compliance of certain conditions. The State Government did not provide any financial assistance either at the foundational stage or subsequently nor devised any scheme under which the financial as well as administrative control of the school would be governed nor the teaching or non-teaching staff in the respondent school had been sanctioned by the State Government. Moreover, the respondent school was operational in accordance to the Rules prevalently followed by Dugda High School which, however, had not been mentioned to be a school governed by the State Government.

Neither the petitioner nor the respondent school mentioned the appropriate Rules of governance of the school inclusive of the Service Rules.

32. Unless the school had been operational strictly abiding the rules through which the private schools functioning fell within the ambit and recognition of the Rules framed by the State Government, the respondent State could not be liable to pay the gratuity to the petitioner since the respondent school was neither financially and/or administratively controlled by the State Government, nor the post of Teaching and Non-teaching staff had been sanctioned by the State Government. Moreover, specific Rules under the State Government had not been stated to have statutorily followed by the respondent school.

33. In ***Vikram Bhalchandra Ghongade vs Headmistress Girls High School and Junior College, Anji (Mothi) and Others***², the Hon'ble Supreme Court held the following:-

“6. On the question of the teacher's entitlement to the provisions of the Gratuity Act, it has to be held that the decision in Birla Institute of Technology² puts to rest any such controversy. The question here would be not so much the entitlement to gratuity but as to whether the legal heirs of a deceased teacher in an aided school would be entitled to gratuity under the Act of 1972 or under the Rules of 1982. The argument of the State is that an aided school employee, including a teacher would be exempted from the definition of an employee under the Act. Per contra it is argued that the exemption is only to a person who holds a post under the Central Government or State Government. An aided school teacher does not hold a post under the State Government contends the appellant.

²2025 SCC OnLine SC 1429

7. It must be observed that a teacher in an aided school for all practical purposes is akin to a post under the State Government. Pertinent is the fact that the posts in aided schools are either sanctioned by the Government or approved in accordance with the Rules and pay and allowances are also paid by the Government. The aided school teachers are also entitled to some of the conditions of service as are applicable to Government teachers, with entitlement of pension, provident fund and gratuity as applicable, in accordance with the Rules brought out under Article 309 of the Constitution of India. Though strictly speaking the teachers may not be holding a post under the State Government, it is akin to a post under the State Government, at least for the monetary benefits of pay and allowances, while in service, as also pension and other benefits on retirement.

....

10. We are of the opinion that the aided school teachers who are governed by the service conditions brought out by the State Government are also covered under the Rules of 1982. The extent of application as per the Rule 2(a) of the Rules of 1982 specifically makes it applicable to: "Any person for whose appointment and conditions of employment special provision is made by or under any law for the time being in force" (sic). There can hence be no dispute raised on the applicability of the Rules of 1982, insofar as aided school teachers are concerned whose pay and allowances and service conditions are regulated by the Government."

34. The Hon'ble Supreme Court in the aforesaid judgment observed though the position of a teacher in a private school functioning or grant-in-aid will be at par with similar circumstanced teacher in a Government Organization, nonetheless such private schools must be operational through the State machinery following the Rules prescribed by the State Government.

35. In the instant case, the Managing Committee of the school had a distinct legal status than the Management of BCCL beyond the governance and

control of the State Government which did not specifically follow the Rules promulgated by the State for functioning of such schools along with the Service Rules followed by the employees. The State Government too cannot be responsible and/or liable to pay the gratuity.

36. In the event of absence of employer-employee relationship between the respondent BCCL and the petitioner, the respondent school to have been exclusively recognized by the West Bengal Secondary Education Board, precluding the same from receiving any kind of financial grant by the State Government whereby the status of the petitioner cannot be equated with a person at par functioning in the similar capacity in the State Government to enure the benefit of gratuity conferred by the State Government, the petitioner has been directly under the control of the management of the respondent-school.

37. Under the facts and circumstances of the case, the respondent school is to disburse the gratuity amount of Rs.13,52,081/- at the rate of 6% per annum from the date of initial application seeking payment of gratuity till the date of its realization within 60 days from the passing of this order.

38. In view of the above discussions, the instant writ petition being WPA 8648 of 2019 is disposed of.

39. There is no order as to costs.

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

(Ananya Bandyopadhyay, J.)