

IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction
(Appellate Side)

W.P.A. 13717 OF 2025

PARTHA SARATHI MAITRA

VS.

THE STATE OF WEST BENGAL & OTHERS

Mr. Susanta Pal, Adv.

...for the Petitioner

Mr. Swapan Banerjee, Adv.

Mr. Diptendu Narayan Banerjee, Adv.

...for the State

Mr. Sharanya Chatterjee, Adv.

Mr. Subhajit Barman, Adv.

...for the Respondent No.3 & 4

1. Affidavit-of-service filed on behalf of the petitioner is taken on record.
2. Petitioner retired on superannuation on 30th November, 2019. Petitioner was an employee of West Dinajpur Spinning Mills Limited.
3. It is submitted by Mr. Pal, learned advocate representing the petitioner that retiral dues were paid to the petitioner and gratuity was paid based on the ceiling applicable considering date of retirement of the petitioner.
4. However, a case is made out based on memorandum dated 14th September, 2023 being no.5315-F(P₂)/FA/N/2M/50/23(N.B) issued by the Additional Chief Secretary to the Government of West Bengal, Finance Department whereby it is clarified under

Clause 2(b) that amount of gratuity payable to an employee covered by Payment of Gratuity Act, 1972 shall be calculated on the basis of notional revised pay in relaxation of normal rules subject to such ceiling as applicable on the date of his/her retirement in between 1st January, 2016 and 31st December, 2019.

5. It is the contention of the petitioner as there was enhancement of ceiling limit of gratuity from 10 lakhs to 20 lakhs based on notional revised pay, petitioner is entitled to receive enhance gratuity.
6. West Dinajpur Spinning Mills Limited and State respondents are represented by learned advocates.
7. It is submitted on behalf of West Dinajpur Spinning Mills Limited that steps could not be taken for re-calculating gratuity amount payable to the petitioner as per aforesaid memorandum dated 14th September, 2023 since there are certain memoranda issued by the concerned authority of Micro, Small and Medium Enterprises and Textiles Department.
8. However, on perusal of memorandum dated 14th September, 2023, it appears that said memorandum for revision of retirement benefit is applicable to the

employees of State Government undertakings, statutory bodies, corporations etc.

9. Having considered the issue involved in this writ petition, Court finds no purpose would be sub-served in keeping this writ petition pending.
10. Leave is granted to the petitioner to make a representation claiming benefit of memorandum dated 14th September, 2023 by enhancing gratuity by fortnight from date to the Principal Secretary, Department of Finance, Government of West Bengal being respondent no.1.
11. If representation is made within the aforesaid time, respondent no.1 shall decide the same, in accordance with law, if necessary after granting opportunity of hearing to the petitioner, concerned authority of West Dinajpur Spinning Mills Limited or their representative by eight (8) weeks from the date of receipt of such representation. Respondent no.1 shall pass a reasoned order and same shall be communicated to the petitioner by fortnight thereafter.
12. With the above directions writ petition stands disposed of.

13. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(SAUGATA BHATTACHARYYA, J.)