

03.09.2025
Item No.06
BR

WPA 14900 of 2025
With
IA No. CAN 1 of 2025
Murlidhar Ratanlal Exports Limited
-vs-
State of West Bengal and Ors.

Mr.Soumya Majumder, Sr. Adv.
Ms. Amrita Pandey
... for the petitioner

Mr. Bikash Shaw,
Sk. Saad Islam
... for the respondent no. 5

Re : CAN 1 of 2025

1. CAN 1 of 2025 is moved praying for correction in the writ application wherein it has been wrongly stated as Controlling Authority, Sreerampore instead of Chandannagore.
2. The prayer is considered and allowed.
3. Leave is granted to the learned counsel for the writ petitioner to correct the same in the writ application.
4. CAN 1 of 2025 is allowed and is thus disposed of.

Re : Writ petition

5. The writ application has been preferred challenging an order

dated 10th February, 2015 passed by the respondent No. 2/Controlling Authority and 6th September, 2017 passed by the Respondent No. 3/Appellate Authority under the Payment of Gratuity Act.

6. It appears from the order under challenge that the Controlling Authority, Candannagore vide its order dated 10.2.2025 held as follows:

“ That it is submitted by the applicant that he joined in the Gondalpara Jute Mill of the opposite party on 1.10.1978 and retired on 1.7.2013 after discharging his continuous service of more than 35 years. But after his retirement, the Opposite Party paid only Rs. 76, 654/- to the applicant as payment of gratuity amount without considering his service length and therefore, the applicant approached before the Controlling Authority for obtaining balance Gratuity amount.”

7. **Finally the Controlling Authority held as follows:**

“ In view of the above, I hold that the applicant Sri Ashim Ghosh (LB No. H-7831), an employee of the Gondalpara Jute Mill under management of Muralidhar Ratanlal Exports Ltd. is entitled to obtain further gratuity in terms of Sec. 7(3) (4) of the Payment of Gratuity Act, 1972 which would be Rs. 1,01,864/- (Rupees one lac one thousand eight hundred forty sixty) only along with the statutory interests @ 10% p.a. w.e.f. 01.08.2014 as per Sec. 7(3) (4) of the Payment of Gratuity Act, 1972.

Hence, ORDERED that the application of the applicant , Sri Ashim Ghosh (LB No. H-7831), is allowed and applicant is entitled to obtain further gratuity to the tune of Rs. 1,01,846/-(Rupees one lac one thousand eight hundred forty sixty) only with interests thereon as admissible under Sec. 7 (3) (4) of the Payment of Gratuity Act, 1972 till the payment is made by the opposite party.

The employer, opposite party is directed to pay the aforementioned amount to the applicant forthwith and in default, necessary action as per the law will be initiated.”

8. The appellate authority vide its order dated 1.11.2017 held as follows:

“ Considering all the facts and circumstances of the case, it is observed that the appellant filed the appeal beyond the time schedule and also without depositing the amount before the competent authority as per the provision of Sec. 7 (7) of the Payment of Gratuity Act, 1972, and therefore, such appeal cannot be considered for hearing. However, considering the earlier approach of the appellant , matter was heard , but ultimately the appellant willfully and intentionally disowns its own submissions and undertaking which appears to be most unfortunate and bad in law.

Hence, order of the Ld. Controlling Authority is

confirmed and appeal rejected with above observation.”

9. On perusal of the order under challenge it appears that the Controlling Authority passed an order granting gratuity for an additional sum of Rs. 1,01,846/ along with statutory interest .
10. It also appears that there is absolutely no findings of the Controlling Authority as to how the said amount has been arrived at by the Controlling Authority. **The order does not contain any calculation while computing the amount for gratuity.** Such calculation is mandatory while computing the amount of gratuity to which the workmen is entitled . The mode of payment has been provided under Section 4 of the Payment of Gratuity Act .
11. **Determination of the amount of gratuity has been provided under Section 7 of the Payment of Gratuity Act.** Such gratuity amount is provided under Section 7 (4) (c) of the Payment of Gratuity Act . As such it appears **that the order**

of the Controlling Authority which has been upheld by the appellate authority is not in accordance with law and is thus set aside.

12. The order dated 10th February, 2015 passed by the respondent No. 2/ Controlling Authority and 6th September, 2017 passed by the Respondent No. 3/Appellate Authority are hereby set aside.
13. The matter is remanded back to the Controlling Authority who shall compute the amount of gratuity **on showing detailed calculation** in his order while disposing of the claim for payment of gratuity as per the provisions of the relevant rules for payment of gratuity act.
14. Let a copy of this order be sent to the Labour Commissioner, Government of West Bengal who shall ensure that all such orders where the amount is to be computed, the Controlling Authority shall subsequently note in its order the detailed calculation as to

how the amount of gratuity has been arrived at.

15. The appellate authority shall also in its order verifying the said calculation in accordance with law, and also record its findings **with detailed calculation,** even in case of repetition and not pass orders in appeal without recording any specific reasons, by merely acting as a post office, straight way proceeding to dispose of appeals with the sentence that the order of the Controlling Authority is hereby affirmed.
16. In the present case, the Controlling Authority shall dispose of the claim for gratuity within a period of two months from the date of communication of this order, on granting an opportunity of hearing to the parties concerned and pass a reasoned order in accordance with law.
17. WPA 14900 of 2025 is disposed of.
18. Connected application, if any stands disposed of.

19. Interim order, if any,
stands vacated.
20. Parties to act on the server
copy of this order.

(Shampa Dutt (Paul), J.)