

25.02.2025
Item No.3
BR

WPA 16710 of 2024
Sandhya Sardar
-vs-
State of West Bengal and ors.

Ms. Senjuti Sengupta,
Mr. Rananeesh Guha Thakurata,

.... For the petitioner

Ms. Jhuma Chakraborty (Virtual),
Ms. Rupsha Chakraborty
... for the State

Ms. Amrita Pandey,
Ms. Bipasha Jaiswal
... for the respondent no.5

The present writ application has been preferred praying for direction upon the respondents, specifically the respondent nos. 3 and 4 to execute the certificate dated 9th November, 2022 within a specified period.

On hearing the learned counsel for the parties and on perusal of the materials on record, it appears that notice for payment of gratuity was issued by the Controlling Authority, Howrah on 3.6.2022 on the basis of an order passed by the Controlling

Authority on the same date. Application for recovery was made by the petitioner herein and vide a notice dated 22.8.2022 the Controlling Authority issued a show cause notice to the respondent company. As the company failed to pay the gratuity as directed by the Controlling Authority, a certificate for recovery of the gratuity was issued by the Controlling Authority on 9.11.2022 to the Certificate Officer, Howrah and District Magistrate, Howrah.

It appears that vide a memo dated 12.10.2023 the Certificate Officer, Howrah issued warrant of arrest and forwarded the same to the Officer-in-Charge of Hare Street Police Station for execution.

Learned counsel for the petitioner submits that though part payment has been made, the full payment is yet to be received by the petitioner.

Considering the said fact and the materials on record the writ application is disposed of with the direction that the Certificate Officer shall make all endeavour to dispose of the certificate proceedings in accordance with law within 60 days from the date of this order.

Let a copy of this order be sent to the District Magistrate, Howrah, the Labour Commissioner, Government of West Bengal and the Certificate Officer, Howrah.

WPA 16710 of 2024 stands disposed of.

Parties to act on the server copy of this order.

Urgent Photostat certified copy of this order, if applied for, be given to the learned counsel for the parties on usual undertakings.

(Shampa Dutt (Paul), J.)