

11.02.2025

Sl. No.: 3
Court No.30
BM

WPA 23079 of 2024

Smt. Sandhya Naskar

Vs.

The State of West Bengal & Ors.

Mr. Amritan Mandal

Ms. Shipra Naskar

... for the petitioner

Mr. Vimal Kumar Shahi

Ms. Pratiti Das

... for the State

Ms. Amrita Pandey

... for the private respondents

1. Affidavit of service filed be kept with the record.

2. Report filed be kept with the record.

3. The present writ application has been preferred praying for direction upon the respondent nos.3 and 4 to execute the certificate dated 24th March, 2023.

4. On hearing the parties and from the materials on record and also the report submitted by the Certificate Officer, Howrah through the learned counsel for the State, it appears that the Certificate Officer after receiving certificate vide Memo no.313/G-103/21/DLC/HOW dt. 24.03.2023 from the Controlling Authority under the payment of Gratuity Act, 1972, Howrah at the Certificate Section, Howrah on 31.03.2023 a letter was issued

to M/s. Delta Ltd. vide memo No.296/Cert/How dt. 11.05.2023 with a direction to make the payment to Sandhya Naskar(Annexure-I) but no action was taken from the side of M/s. Delta Ltd.

5. Three notices were issued but the respondent no.5 herein failed to appear before the Certificate Officer.

6. Hence, a show cause notice (why warrant of Arrest should not be issued) was issued vide Memo No.702(4)/Cert/How dt. 06.10.2023 to four Directors of M/s. Delta with a Direction to appear before the Court of the Certificate Officer on 03.11.2023 (Annexure-V). Again on the said date no one on behalf of M/s. Delta Ltd. was present.

7. Thereafter, a warrant of arrest was issued to the Officer-in-Charge, Hare Street Police Station, Kolkata-700 001 against four directors of M/s. Delta and O/C, Hare Street P.S with the direction to return the warrant on or before 14.12.2023 vide memo no.756/Cert/How dated 28.11.2023.

8. O/C, Hare Street Police Station did not submit any Non-Execution Report.

9. 1st Reminder on warrant of arrest was issued to the Officer-in-Charge, Hare Street Police Station, Kolkata-700 001 against four directors of M/s. Delta Ltd. and O/C, Hare Street P.S was directed to return

the warrant on or before 02.02.2024 vide memo no.50/Cert/How dated 18.01.2024.

10. O/C, Hare Street Police Station submitted a Non-Execution Report via e-mail on 30th January, 2024.

11. It appears that the report of the Certificate Officer dated 09.02.2025 shows that necessary action in accordance with law is being taken by the Certificate Officer

12. As there is a Non-Execution Report in respect of warrant issued against the Directors of the Company, the Certificate Officer is directed to proceed in accordance with law against the respondent no.5 herein to ensure payment of gratuity along with statutory interest till the date of realisation.

13. Considering the said fact and the fact that the petitioner is running from pillar to post for his lawful dues since the year 2023, the writ application is disposed of with the direction that the Certificate Officer shall take all steps as per law to realise the amount of gratuity along with statutory interest till realisation from the respondent no.5 herein within 30 days from the date of this order.

14. The writ petition stands disposed of.

15. Urgent Xerox certified copies of this order, if applied for, shall be supplied to the learned counsel for the parties as expeditiously as possible, in compliance of usual formalities.

(Shampa Dutt (Paul), J.)