

28.1.2025
Item No.10
BR

WPA 29337 of 2024

Durjadhan Shaw

-vs-

State of West Bengal and ors.

Mr. Bikash Shaw

... for the petitioner

Mr. Srijan Nayak,

Ms. Rituparna Maitra

.... For the State

Affidavit of service filed by the petitioner
be kept with the record.

On being served the private respondents
is not being represented.

Learned advocate for the State is present.

On hearing the learned counsel for the
petitioner and the State it appears that the
prayer for gratuity of the petitioner herein
was allowed by the Controlling Authority
under the Payment of Gratuity Act, 1972,
Howrah vide an order dated 5.4.2023.

Vide an order dated 20.3.2024 an appeal
by the private respondents was dismissed
and the order of the Controlling Authority
was affirmed. Subsequently certificate
proceedings has been initiated for recovery
of the said gratuity amount by Certificate

Officer, Howrah being the District Magistrate and District Collector, Howrah. A notice of hearing was issued by the Certificate Officer on 9.8.2023 and 29.9.2023 regarding hearing in respect of the order passed by the Controlling Authority.

It appears that the hearing could not proceed due to pendency of the appeal which was finally disposed of 20th March, 2024. It appears that almost one year ago an order was passed but no step has been taken by the Certificate Officer, Howrah.

Accordingly, the writ petition is disposed of with the direction that the certificate officer, Howrah being represented by the State in the present case who has appeared today is directed to proceed with the hearing immediately by issuing appropriate notice to the parties concerned within seven days from the date of this order and is directed to complete the said hearing and put into effect the order of the Controlling Authority and the Appellate Authority within 30 days from the date of this order.

Learned counsel appearing for the State is granted liberty to communicate the server copy of the order to the authority concerned for immediate compliance.

WPA 29337 of 2024 is accordingly stands disposed of.

All parties are directed to act on the server copy of this order duly downloaded from the official website of this Court.

(Shampa Dutt (Paul), J.)