

28.1.2025
Item No.09
BR

WPA 29335 of 2024
Dina Nath Bharti
-vs-
State of West Bengal and ors.

Mr. Bikash Shaw

... for the petitioner

Mr. Sk. Md. Galib, Sr. Govt. Adv.,

Ms. Sujata Mukherjee

... for the State

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

The present writ application has been preferred praying for expeditious disposal of the certificate proceedings pending before the Collector and District Magistrate, Howrah.

On being served the State is being represented.

On hearing the learned counsel for both parties and considering the materials on record it appears that direction for payment of gratuity in respect of the petitioner herein was given by the Controlling Authority, Howrah under the Payment of Gratuity Act, 1972. No appeal was preferred by the private respondents who are not present today.

Subsequently, on completion of all formalities the Controlling Authority issued

a letter dated 6.4.2023 to the Collector and District Magistrate, Howrah for initiating a certificate proceedings for realization of the gratuity.

It appears that till date no action has been taken by the authority concerned. Considering the fact that the gratuity has been granted under a beneficial legislation, such delay is against the principle of natural justice.

Accordingly, the writ petition is disposed of with the direction that the Collector and the District Magistrate, Howrah shall take necessary steps to initiate certificate proceedings within seven days from the date of this order and complete the proceedings within 30 days thereafter granting gratuity in favour of the writ petitioner herein.

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 29335 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.)