

28.1.2025
Item No.11
BR

WPA 29342 of 2024

Toufik Halder @ Toufick Haldar
-vs-
State of West Bengal and ors.

Mr. Bikash Shaw
... for the petitioner

Mr.Somnath Ganguly,Ld. AGP,
Mr. Raja Ram Banerjee
.... For the State
Ms. Amrita Pandey,
Ms. Sneha Singh
... for the private respondent

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

On being served the private respondents
is 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 3.6.2022.

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 proceeding has been initiated for recovery of the said gratuity amount by the Certificate Officer, Howrah being the District Magistrate and District Collector, Howrah. A notice of hearing was issued by the Certificate Officer on 3.6.2022 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.

Learned counsel for the State files a report which be kept with the record.

It appears from the report filed by the Officer-in-Charge of Hare Street Police Station dated 16.12.2024 that the certificate officer, Howrah has issued warrant of arrest in the present case and the police station is ready to comply with any order passed by this Court. Warrant in respect of Subrata Kumar Naskar has been executed and he was to be produced before the certificate officer on 16.12.2024.

Concerned police station is directed to act as per the direction of the certificate officer, Howrah without awaiting any further direction from this Court.

The certificate officer is directed to dispose of the case within 30 days from the date of this order in accordance with law in respect of the payment of gratuity in favour of the petitioner.

Any part payment made by the private respondent shall be taken into consideration at the time of computing the amount of gratuity due to the petitioner.

Learned counsel appearing for the State is granted liberty to communicate the server copy of the order to the District Magistrate and the police station concerned.

WPA 29342 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.)