

28.1.2025
Item No.08
BR

WPA 29316 of 2024

Bejoy Kumar Das @ Bejoy Kr Das
-vs-
State of West Bengal and ors.

Mr. Bikash Shaw
... for the petitioner
Ms. Amrita Pandey,
Ms. Sneha Singh
.... For the respondent no. 5

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

On being served the private respondents
are being represented.

None appears for the State.

Mr. Srijan Nayak, an empanelled lawyer
of the State of West Bengal (Civil) along with
his junior Ms. Rituparna Maitra is present in
Court is appointed to represent the State in
this case. Appropriate authority to regularize
their appointment.

On hearing the learned counsel for the
petitioner and the respondents 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 1.11.2022.

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 1.9.2023 and 9.1.2024 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 has been 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 thereafter from the date of this order.

WPA 29316 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.)