

19.03.2026
Ct. No. 30
S.L. No. 15
SM

WPA 4855 of 2026
M/s. Southern Cooling Towers Pvt. Ltd.
Versus
State of West Bengal & Ors.

Mr. Rananeesh Guha Thakurta
Ms. Senjuti Sengupta
Mr. Pulin Chandra Maity
Mr. Barnamoy Basak
.....for the petitioner
Mr. Sadhan Kr. Halder, sr. adv.
Ms. Sipra Saha
.....for the State

- 1.** The writ application has been preferred praying for leave to prefer an appeal before the Appellate Authority under Section 7 Sub-section (7) of the said Act read with Rule 18 of West Bengal Payment of Gratuity Rules, 1973 by depositing the principal amount of Rs. 3,61,984/- (Rupees Three Lakhs Sixty one Thousand Three Hundred and Eighty four only) against the order of the Controlling Authority dated 19th April, 2024 passed in Case No. G-99/2019 and the subsequent certificate issued on 08.01.2026.
- 2.** It is the contention of the petitioner that he received the said certificate on 12.01.2026, but till then no order of the Controlling Authority was ever served upon the petitioner and as such though he initially participated in the proceedings, he was not aware of the said order.
- 3.** A statement of fact submitted by the Controlling Authority through the learned counsel for the State is placed before this Court wherein it

appears that the authority concerned has specifically noted as follows:-

“Copy of the findings dated 30.04.2024 and copy of the certificate issued on 08.01.2026 are attached (marked as 1 & 2). Also dispatch Challan dated 03.05.2024 and 07.11.2025 submitted at GPO, Kolkata whereby Memo No. 857/G-99/19/EL/LC & 3267/G-99/19/EL/LC was recorded for dispatch to the addressee are attached (marked as 3 & 4).”

4. Considering the said fact that the opposite party/State was directed to place a report showing the service of the order of the Controlling Authority upon the writ petitioner herein.

5. The writ petitioner submits that he has no grievance in respect of the principal amount and he only prays for leave to challenge the interest as assessed, which is claimed by the respondent authorities upon the gratuity amount.

6. It appears that the order of the Controlling Authority was passed in this case on 19th April, 2024. The contention of the petitioner is that he first became aware of the said order on 08.01.2026, when he was served with the certificate issued in this case.

7. The petitioner prays for leave to appeal against the order of the Controlling Authority dated 19th April, 2024 before the appellate authority.

8. On perusal of the report submitted by the Controlling Authority through the learned counsel for the State, it appears that documents have been filed to show that the show cause and the order were served upon the petitioner.

9. The petitioner by way of an exception to the report submits that the said documents relate to the service of the show cause notice and as such he is entitled to be given the benefit and liberty to prefer an appeal as he had no knowledge that the order had been passed by the Controlling Authority.

10. Learned counsel for the respondent relies upon Section 27 of the General Clauses Act in support of their contention that the documents were duly served upon the petitioner.

11. The respondent authority herein has placed a copy of the order of the Controlling Authority dated 19th April, 2024 in Gratuity Case No. G-99/2019 and it appears that the petitioner company also appeared in the said case. The case was duly considered and the OP company/petitioner herein also placed documents which were marked as Exhibit.

12. The Controlling Authority was of the view that service put in by the workman was undisputed and in course of hearing, the learned counsel for the petitioner also admits the same, to the extent that he has no grievance regarding the principal amount of

gratuity directed to be paid. It is only the interest against which he prays for liberty to file an appeal.

13. Interest upon gratuity is an integral part of gratuity (Section 7(3A) of the PAG Act), when payment of gratuity is delayed for no fault of the workman.

14. Two years have passed since the impugned order has been passed, and the respondents have also filed documents to show that the impugned order was duly served upon the petitioner and such long delay cannot be condoned even if for the principle of natural justice.

15. The writ application having no merit **stands dismissed.**

16. Photostat certified copy of this order, if applied for, be given to the parties on priority basis upon compliance of all formalities.

[Shampa Dutt (Paul). J]