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12.5.2026
Ct. No. 30
AB

In The High Court At Calcutta
Appellate Side
Constitutional Writ Jurisdiction

WPA 9455 of 2026

M/S. Murlidhar Ratanlal Exports Limited
Vs.
The Learned Controlling Authority & Assistant Labour
Commisioner & Ors.

Mr. Soumya Majumdar, Sr. Adv..
Ms. Amrita Pandey
Mr. Ghanshyam Pandey
Ms. Rishika Pandey
... for the petitioner

Mr. Bikash Shaw
... for respondent no. 6

1. Affidavit of service filed in Court today is taken on record.
2. The writ application has been preferred challenging an order dated 29.3.2018 passed by the Controlling Authority, Chandernagore, Hooghly, in Gratuity Case No. 90/G/2016.
3. On hearing the learned counsel for the parties and on perusal of the materials on record including the impugned order under challenge being the order of the Controlling Authority it appears that the prayer before the Controlling Authority was regarding the balance amount of Gratuity as due to the respondent workman along with interest therein.
4. It appears that the Controlling Authority on hearing the parties was pleased to pass an order as follows:

“That after careful consideration of the records submitted by the applicant, it is observed that the opposite

party did not issue Form "L" to the applicant after his retirement as per the statutory provisions of the Payment of Gratuity Act, 1972 and the opposite party did not issue Form "M", rejecting the claim of the gratuity amount of the applicant as per the statutory norms and such non action and nonperformance on the part of the opposite party sharply indicates that the opposite party is absolutely reluctant to pay the gratuity to the workers in proper manner, maintaining the statutory norms.

Considering the aforementioned scenario, the undersigned is left with no option but to accept the submission of the applicant regarding his claim of gratuity as mentioned in the Form "N" i.e. Rs.66,570/- with statutory interest.

In view of the above, I hold that the Applicant Gopal Dey, (LB No. C-6892), an employee of the Gondalpara Jute Mill under management of Muralidhar Ratanlal Exports Ltd., is entitled to obtain gratuity in terms of Sec. 7(3)(4) of the Payment of Gratuity Act, 1972 to the tune of Rs.66,570/- only along with the statutory interests @ 10% p.a. w.e.f. 01.08.2011 as per Sec. 7(3)(4) of the Payment of Gratuity Act, 1972 and such interest amount is Rs.46,599/-. Therefore, the entire payable amount is Rs.66,570/- (principal Amount) plus Rs.46,599/- (interest amount) totaling Rs.1,13,169/- (Rupees One Lac Thirteen Thousand One Hundred Sixty Nine only).

The Employer, Opposite Party is directed to pay the aforementioned amount to the applicant as gratuity with interest. "

5. On perusal of the said findings of the Controlling Authority it appears that the claim of the respondent workman in the present case considered by the Controlling Authority was not calculated as per the mandatory directions under Section 4 of the Payment of Gratuity Act.

6. The Controlling Authority has without any specific calculation arrived at the decision in the impugned order.
7. Section 4 of the Payment of Gratuity Act provides for calculation of gratuity in a specific manner. It appears that the impugned order does not show that the specific directions as to how the gratuity or further gratuity is to be calculated, has been shown in the order of the Controlling Authority.
8. Accordingly, the impugned order suffers from inherent illegality and thus being not in accordance with law is hereby set aside.
9. The matter is remanded back to the Controlling Authority to hear and consider the matter afresh, by providing an opportunity of hearing to both parties and pass appropriate orders in accordance with law by passing a reasoned order with proper calculations as per Section 4 and earlier payments received by the employee, if any.
10. The matter be considered afresh within **sixty days** from the date of communication of this order.
11. Accordingly, the writ application being **W.P.A. 9455 of 2026** stands **disposed of**.
12. Urgent Photostat certified copy of this order, if applied for, be given to the parties upon completion of usual formalities.

(Shampa Dutt (Paul), J.)