

27.01.2026
Item No.8
Ct. No. 30
Aloke

WPA 25683 of 2025

**Rabindra Shiksha Sammillani Samity
Vs.
The State of West Bengal & Ors.**

Mr. Biswarup Mukherjee
Ms. Indrani Chatterjee
Mr. Tanumoy Kar
Ms. Madhuja Ritwika
..for the petitioner

Mr. Abhimanyu Banerjee
... for the private respondent
Mr. Susanta Pal
Ms. Deepa Bhattacharya
... for the State

1. Supplementary affidavit as per leave granted is filed. Copy served. Let the same be taken on record.
2. The writ application has been preferred praying for setting aside of the order of the appellate authority dated 16.12.2024 and the order of the Controlling Authority dated 05.02.2024 and the show-cause notice issued by the Controlling Authority dated 21.04.2025.
3. On hearing the learned counsels for the parties and on perusal of the materials on record, it appears that there has been serious laches on the part of the Controlling Authority as it appears that after issuing show-cause notice after four months of the order passed by the appellate authority the Controlling Authority has taken no steps to initiate a certificate proceeding in the present case. Such delay on the part of the authority concerned has a negative

impact in respect of the workmen/employees who are entitled to the benefit under a beneficial Legislation.

4. On perusal of the order passed by the Controlling Authority, it appears that the authority concerned has decided that an amount as gratuity is due to the workmen herein. But there is absolutely no calculation provided by the Controlling Authority in its order as to how the same has been arrived at. The order thus suffers from inherent defect. The appellate authority has also not provided any calculation showing the amount of gratuity as to how the enhanced amount has been arrived at by him. The said order also suffers from inherent defect.

5. Considering that the issue of gratuity is pending since the year 2022, the writ application is disposed of on setting aside the order of the Controlling Authority dated 05.02.2024 and the order of the appellate authority dated 16.12.2024 and the notice to show-cause dated 21.04.2025, in view of the fact that the impugned orders are not in accordance with law.

6. It is further directed that the matter shall be heard afresh by the Controlling Authority and the Controlling Authority shall pass a fresh order showing the detailed calculation as to the amount of gratuity arrived at as per Section 4 of the Payments of Gratuity Act.

7. The Controlling Authority shall dispose of the case within 30 days from the date of communication of this order, on hearing the parties and by passing a reasoned detailed order in accordance with law.
8. The writ application stands disposed of.
9. Connected application, if any, stands disposed of.
10. Interim order, if any, stands vacated.
11. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Shampa Dutt (Paul), J.)