07.10.2026
Item no. 22
Court no. 30
g.b.
266012

WPA 29185 of 2026

Habupada Maji
Vs.
Food Corporation of India & Ors.

Mr. Samiran Mandal
Mr. Nitish Samanta
Ms. Agniva Mandal
Ms. Shreyashee Mitra
……For the Petitioner

Mr. Kamal Chattopadhyaya
Mrs. Rima Chatterjee
…For the Respondent/FCI

1. The writ petitioner has prayed for an order for releasing of revised gratuity as per the revised scale of pay.

2. The entitlement of the ex-CCL workers of FSD Bikna to receive gratuity was established on the basis of the Gratuity Payment Notices issued by the Controlling Authority under the Payment of Gratuity Act, 1972, i.e., the Assistant Labour Commissioner (Central), Asansol.

3. The gratuity amounts as ordered by the Learned ALC (Central), Asansol was duly deposited by FCI strictly on the basis of the amounts determined and directed to be paid by the competent statutory of the Payment of Gratuity Act. The writ petitioner received such gratuity amount as has been decided by the Controlling Authority.

4. The respondent/FCI submits that any subsequent claim seeking revision or enhancement of the gratuity amount on the basis of any enhanced wage, and/or any consequential claim for interest on the alleged delayed payment arising therefrom requires to be adjudicated by the Appropriate Authority under the Payment of Gratuity Act i.e. the Assistant labour Commissioner, Asansol. Such revision would necessarily require appropriate rectification, modification or further determination of the original Gratuity Payment amount by the competent originating authority, i.e., the ALC (Central), Asansol, in accordance with law.

5. FCI being an instrumentality of the Government cannot pay the amount of revised gratuity without determination of the same by the competent statutory authority as provided under the Payment of Gratuity Act.

6. The respondent/FCI submits that the writ petitioner may kindly be directed to approach before the Competent Authority under the Payment of Gratuity Act i.e. the Assistant Labour Commissioner.

7. This Court finds merit in the submission of the learned counsel for the FCI.

8. On hearing the parties, the writ application is disposed of with the direction that the petitioner shall approach the appropriate authorities with their claim in view of the stand taken by the FCI before this Court.

9. The appropriate authority shall be at liberty to proceed in accordance with law and make all endeavour to dispose of the petitioner's claim within four months from the date of this order.

10. The writ application is disposed of.

11. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties after completion of all necessary formalities.

(Shampa Dutt (Paul), J.)