25.11.2026.
Court No.13
Item No. 8
ap

R.V.W. 259 of 2026
With
I.A. No. CAN 1 of 2026
Arising out of
M.A.T. 773 of 2026

Jnanankur Saha
Versus
Union of India & Ors.

Mr. Pinaki Dhole,
Mrs. Sima Biswas,
Mr. Rabindra Kumar Pathak.
...For the appellant.

Mr. Soumya Majumder, ld. Sr. Advocate,
Mr. Indranil Munshi,
Ms. P. Bose.
...For the respondent no.7.

Mr. Arijit Chakraborty,
Mr. Debsoumya Basak,
Ms. Swati Kumari Singh.
... For the respondent no.6.

Mr. Siddhartha Bhattacharya,
Mr. Subit Majumdar.
...For the UOI.

1. Affidavit-of-service filed in Court today be taken on record.

2. Review is sought of this Court's order dated 21st August, 2026.

3. Reference is particularly made to paragraph 4 of the said order where this Court had recorded that in the order of dismissal of the appellant/review applicant dated 29th April, 2021 forfeiture of entire gratuity has been duly recorded.

4. Learned Counsel for the appellant has placed the order of dismissal dated 29th April, 2021.

5. Indeed it is true that there is no mention of forfeiture of gratuity in the said order of dismissal.

6. The judgment in review dated 21st August, 2026 is liable to be reviewed to correct such observations made in paragraph 4. It, however, appears from the subsequent events that the applicant had applied for review of the final order of dismissal after the order dated 21st August, 2026 was passed. Pursuant to such order, the Disciplinary Authority of the employer/Institution of Engineers vide order dated 7th February, 2023 had declined the prayer for review of the deceased employee. In such order dated 7th February, 2023 it was formally recorded that in view of gross misconduct such as wilful insubordination or disobedience, causing damage to the property or premises of the institution, theft or fraud or dishonesty, taking party or inciting strikes and habitual breach of office orders and neglect of work, no gratuity would be payable to the applicant.

7. This Court is of the view that the employer while reviewing the final order of dismissal is indeed entitled to also pronounce upon gratuity and forfeiture thereof in an application for review of the final order of the disciplinary authority.

8. It is now well-settled that gratuity is payable on account of satisfactory and unblemished service rendered by an employee. The Payment of Gratuity Act, 1972 itself empowered an employer to forfeit part

or portion or the entire gratuity of an employee in the event of finding of misconduct, financial loss and fraud.

9. In the light of the above, this Court does not find fault with the employer in mentioning forfeiture of entire gratuity particularly based on a review application filed by the employee against the final order of dismissal.

10. For the reasons stated above, the observations made in paragraph 4 of the judgment in review dated 21st August, 2026 is corrected as follows:

"The last five line of paragraph 4 at page 2 of the said order dated 21st August, 2026 shall stand deleted."

11. R.V.W. 259 of 2026 is disposed of without any further order.

12. In view of disposal of the review itself, the pending application being CAN 1 of 2026 is also disposed of.

13. There will be no order as to costs.

14. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(*Rajasekhar Mantha, J.*)

(*Anuj Singh, J.*)