

15.05.2025  
Ct. No. 30  
S.L. No.7  
SM

**WPA 9438 of 2025**  
**St. Thomas High School**  
**Vs.**  
**Basabi Chowdhury & Ors.**

Mr. Soumya Majumder, sr. adv.  
Mr. S.K. Singh  
Mr. Sushil Karmakar  
Mr. Ravi Kumar Dubey  
.....for the petitioner  
Ms. Ishita Chakraborty  
Mr. B. Roy  
.....for the respondent no. 1  
Mr. K.J. Yusuf , Ld. Additional Govt. Pleader  
Ms. Amrita Tewari  
.....for the State

Supplementary affidavit filed be kept with the record.

The present writ application has been preferred challenging the orders dated 20.07.2023 and 21.02.2025 passed by the Controlling Authority and the Appellate Authority under the Payment of Gratuity Act, 1972.

It is the case of the petitioner who have by way of a supplementary affidavit annexed relevant documents to show that the respondent no. 1 is entitled to the benefit in the present case only on and from 3<sup>rd</sup> April, 1997 and not from 1990 as allowed by the Controlling Authority.

It is the contention of the petitioner that the Controlling Authority has granted gratuity for the period on and from 20.06.1990 till 28.10.2020.

It is also the contention of the petitioner that gratuity if admissible to the respondent is admissible only on and from 3<sup>rd</sup> April, 1997 and not from 1990 and as such the order suffers from gross regularity and is liable to be set aside.

Learned counsel for the respondent/workman submits that the Controlling Authority has released the amount which had been deposited by the petitioner herein while preferring an appeal.

Learned counsel for the petitioner submits that the conduct of the Controlling Authority releasing the amount during the pendency of proceedings is against the principle of natural justice and shall cause prejudice to the petitioner.

On hearing the learned counsel for the parties and considering the materials on record, it is seen that the petitioner herein has made out an arguable case which has to be heard on merit.

Let the matter appear in the Monthly List of July, 2025 for further hearing.

Pending hearing of the writ application the orders under challenge being 20.07.2023 and

21.02.2025 be stayed till the 28<sup>th</sup> July 2025 or until further orders.

It is made clear that the amount which has already been released in favour of the respondent no. 1 herein, by the Controlling Authority, shall be subject to the final decision in the present writ application.

**[Shampa Dutt (Paul). J]**